1	STATE OF CALIFORNIA
2	CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD LOS ANGELES REGION
3	LOS ANGELES REGION
4	468th REGULAR BOARD MEETING
5	Thursday, November 6, 2003 9:20 A.M.
6	9.20 A.M.
7	
8	The Metropolitan Water District Of Southern California
9	Board Room 700 North Alameda Street
10	Los Angeles, California
11	REPORTER'S PARTIAL TRANSCRIPT OF PROCEEDINGS
12	ITEM 15 ONLY
13	(EXCERPTED FROM MORE COMPLETE LARWQCB TRANSCRIPT)
14	
15	BOARD MEMBERS PRESENT:
16	SUSAN M. CLOKE, Chair
17	FRANCINE DIAMOND, Vice-Chair
18	JULIE C. BUCKNER-LEVY
19	R. KEITH McDONALD
20	BRADLEY MINDLIN (arrived after roll call)
21	H. DAVID NAHAI
22	CHRISTOPHER C. PAK (arrived after roll call)
23	
24	Reported by: NEALY KENDRICK, CSR 11265
25	Job No.: 03-25714

1	ITEM 15 OF MEETING AGENDA	DAGE
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3	LANDFILL 15. Consideration of tentative Revised	
4	Non-NPDES Requirements for Sunshine Canyon City Landfill (File No. 58-076). [The	
5	hearing on this matter was commenced during the Regional Board's July 24, 2003,	
6	meeting, continued to the September 11, 2003, meeting for further proceedings,	
7	and subsequently continued to this meeting for further proceedings.] (After a	
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- 1 with the flows in an integrated fashion. So those
- 2 are my comments that I would like staff to consider.
- 3 CHAIR CLOKE: Any others?
- 4 Okay. That concludes the workshop on
- 5 the TMDL. This matter will be back in front of the
- 6 board in December --
- 7 Mr. Bishop? "Yes"?
- 8 MR. BISHOP: Yes.
- 9 CHAIR CLOKE: Okay.
- 10 -- for an actual hearing.
- 11 Okay. The next item on our agenda is
- 12 the Sunshine Canyon City Landfill. And I know you've
- 13 been waiting.
- 14 So I hope you will understand when I
- 15 tell you that we intend to take all of you, straight
- 16 through -- there are my speaker cards -- and that we
- 17 need to have just a few-minute break before we start,
- 18 for both the court reporter and the Board. And then
- 19 we will come back, and we will go straight through.
- 20 We will be back here at 3:30.
- 21 (Break: 3:20 3:48 P.M.)
- 22 (Mr. Mindlin and Mr. McDonald leave
- the proceedings.)
- 24 CHAIR CLOKE: Okay. We will now turn our
- 25 attention to the Sunshine Canyon Landfill matter.

- 1 Mrs. Harris, would you read the
- 2 opening statement.
- 3 MS. HARRIS: We don't need an opening
- 4 statement.
- 5 CHAIR CLOKE: It's a continuation?
- 6 MS. HARRIS: Yes.
- 7 CHAIR CLOKE: Okay. This is a continuation of
- 8 a hearing; so we don't need an opening statement
- 9 because the hearing has already been opened.
- 10 However, I do need to ask everyone
- 11 who's going to speak today to please stand. If you
- 12 intend to come to the microphone today, could you
- 13 please stand and repeat after me: I promise to tell
- 14 the truth --
- PROSPECTIVE SPEAKERS' VOICES: I promise to
- 16 tell the truth --
- 17 CHAIR CLOKE: -- the whole truth --
- 18 PROSPECTIVE SPEAKERS' VOICES: -- the whole
- 19 truth --
- 20 CHAIR CLOKE: -- and nothing but the truth --
- 21 PROSPECTIVE SPEAKERS' VOICES: -- and nothing
- 22 but the truth --
- 23 CHAIR CLOKE: -- under penalty of perjury.
- 24 PROSPECTIVE SPEAKERS' VOICES: -- under
- 25 penalty of perjury.

- 1 CHAIR CLOKE: Thank you very much.
- 2 Let me just say -- if I could have
- 3 your attention, we're going -- because this is a
- 4 continuation of a previously heard item, if you --
- 5 you know, we're doing the best we can with the
- 6 microphones.
- 7 But there are seats in the front if
- 8 you are having trouble hearing. We'll try to speak
- 9 louder. And if you could also move down, that will
- 10 help as well. The sound isn't as good in the back of
- 11 the room.
- 12 Because this is a continuation of a
- 13 hearing, we have asked our staff to only address
- 14 those questions which were asked by the Board at the
- 15 last hearing. We have asked the applicant to also
- 16 not repeat their previous testimony but to only
- 17 present to us testimony on the issues that continue
- 18 to be of concern before this Board.
- We're going to hear from -- the order
- 20 of the hearing is going to be our staff, the
- 21 applicant, and then we are going to hear from elected
- 22 officials and their representatives. And then all
- 23 the rest of the cards are going to come in, in the
- 24 order in which -- they will be called in the order in
- 25 which a card came to me.

- 1 If you have spoken to us before or if
- 2 you are here because you wish to state either your
- 3 opposition or your support, please help us out this
- 4 afternoon by coming to the podium; giving us your
- 5 name; and telling us what, you know -- whether you're
- 6 in favor or opposed, what you'd like the Board to do.
- 7 You can have -- if you've spoken
- 8 before, you may have up to a minute but no more. If
- 9 this is the first time that you're speaking before
- 10 this Board, you can have up to two minutes, if you
- 11 have additional testimony that hasn't been presented
- 12 by other people before you today.
- 13 And, of course, if you raise something
- 14 that's new, that the Board is not aware of, the Board
- 15 will be asking you questions. So I hope that that
- 16 helps us to conduct our business in a fair way so
- 17 that everyone feels that their voice has been heard
- 18 but also in a way that lets all of you good folks get
- 19 back to your families and your evenings together.
- 20 And with that, I'd like to ask our
- 21 staff to come to the podium, please.
- MS. RASMUSSEN: Good afternoon, Madam Chair,
- 23 Members of the Board. For the record, my name is
- 24 Paula Rasmussen, Chief of the Enforcement and
- 25 Groundwater Permitting Section at the Regional Board.

- Before I start my presentation, I'd
- 2 like to acknowledge the presence of Dr. Paul Simon
- 3 from Los Angeles County Department of Health Services
- 4 and Dr. Wendy Cozen from the University of Southern
- 5 California Cancer Surveillance Program.
- 6 Regional Board staff members who are
- 7 involved in regulating the Sunshine Canyon
- 8 Landfill -- Mr. Rod Nelson, Chief of the Landfills
- 9 Unit; Mr. Raymond Jay, Chief of the Nonpoint Source
- 10 Unit; and Dr. Wen Yang, the Project Manager -- are
- 11 also here to answer questions about the project.
- 12 Tentative Waste Discharge
- 13 Requirements -- WDRs -- and Monitoring and Reporting
- 14 Program that were prepared for the proposed Phase 1
- of City Landfill Unit 2 expansion at Sunshine Canyon
- 16 City Landfill were initially heard by the Board at a
- 17 special Board Meeting on July 24, 2003.
- 18 The hearing was continued to September
- 19 11, 2003. At that meeting, the Board decided to
- 20 postpone a ruling on the proposed landfill expansion
- 21 and directed staff to provide additional information
- 22 on the proposed project.
- 23 Because this hearing has been
- 24 continued from the September 11 board meeting, my
- 25 presentation will be focussed on only those questions

- 1 raised by the Board at that meeting.
- 2 The content of my presentation has
- 3 been discussed in the staff report in relative
- 4 detail. The slides will only provide a summary of
- 5 what is included in the staff report. A change sheet
- 6 was included in the agenda materials that were
- 7 submitted on October 31 to you, and you will find
- 8 that located at Page 12-dash-599.
- 9 There was an additional change sheet
- 10 that was faxed to you yesterday, and a copy has been
- 11 provided to you today.
- 12 The information the Board requested at
- 13 the September 11 board meeting includes additional
- 14 health-study reports concerning respiratory disease
- 15 and birth defects in the community surrounding the
- 16 landfill, the source and extent of the 1,4-dioxane
- 17 contamination that had been detected in groundwater
- 18 at the site, and the seismic stability of the
- 19 proposed landfill-liner system.
- 20 Following the September 11 board
- 21 meeting, staff worked with the Los Angeles County
- 22 Department of Health Services and the California
- 23 Office of Environmental Health Hazard Assessment and
- 24 USC Cancer Surveillance Program in an effort to
- 25 obtain such information.

- 1 The results of additional health-
- 2 impact investigations will be reported by Dr. Simon
- 3 from DHS and Dr. Cozen from USC. The other two
- 4 issues raised by the Board will be addressed in the
- 5 rest of my presentation.
- We believe that 1,4-dioxane detected
- 7 in groundwater at the site is from the wastes that
- 8 were previously disposed at the inactive Cityside
- 9 landfill because the monitoring points for the
- 10 1,4-dioxane was detected in the vicinity of the
- 11 Cityside landfill.
- 12 Available groundwater-monitoring data
- 13 have confirmed the detection of 1,4-dioxane in three
- 14 groundwater-monitoring wells and the groundwater-
- 15 extraction trench. All of these monitoring points
- 16 are located in the entrance area of Sunshine Canyon
- 17 downgradient to the Cityside Landfill.
- 18 1,4-dioxane has not been detected in
- 19 any upgradient monitoring well or groundwater-
- 20 monitoring wells at the property boundary. The
- 21 extent of the 1,4-dioxane plume is restricted to the
- 22 entrance area of Sunshine Canyon with the landfill's
- 23 property -- within the landfill property limits.
- 24 Under the Corrective Action Program
- 25 that is currently being implemented at the site --

- 1 and which I will discuss in more detail a little
- 2 later -- the extent of the 1,4-dioxane plume is being
- 3 investigated. There was concern that 1,4-dioxane may
- 4 pass through the liner system of the proposed
- 5 landfill and enter groundwater.
- 6 1,4-dioxane is only one of the
- 7 pollutants detected in leachate, and its
- 8 concentrations are less than 1 part per million.
- 9 Landfill leachate also contains other organic and
- 10 inorganic pollutants such as volatile organic
- 11 compounds and semivolatile organic compounds.
- The proposed composite-liner system
- 13 for the landfill will include a layer of high-density
- 14 polyethylene, or HDPE, plastic sheets underlain by
- 15 four feet of low-permeability clay. Leachate will be
- 16 collected at leachate sumps and pumped out of the
- 17 landfill. It's very unlikely that any significant
- 18 amount of leachate will penetrate the liner system.
- 19 HDPE plastic is highly chemically
- 20 resistant and is most commonly used in landfill-liner
- 21 systems. No mechanical or chemical degradation was
- 22 observed when this material was tested with 100
- 23 percent dioxane at 68 and 140 degrees Fahrenheit.
- 24 Comments were raised at the September
- 25 11 board meeting that the 1994 Northridge earthquake

- 1 caused a displacement of 18 inches while the proposed
- 2 landfill design only allows up to a 12-inch
- 3 displacement.
- 4 Actually the allowable displacement
- 5 for the proposed landfill expansion is only 6 inches,
- 6 which I will explain in the next slide. The concern
- 7 was that the proposed liner system would not
- 8 withstand an earthquake at the magnitude that is
- 9 anticipated in the area.
- 10 The 18-inch displacement caused by the
- 11 1994 Northridge earthquake involved tectonic uplift,
- 12 which is demonstrated in this slide. This is a block
- 13 of land where a landfill is located. A tectonic
- 14 uplift, as denoted by the blue arrow, involves the
- 15 uplift of a large area. The landfill would be
- 16 uplifted together with the bedrock.
- 17 This type of earth movement will have
- 18 little effect on a landfill unless the landfill is
- 19 located on an active fault and the displacement is
- 20 along that fault.
- 21 The red lines represent the fault and
- 22 its movement. As can be seen, if the fault is
- 23 located under the landfill, the liner would be
- 24 damaged. There have been extensive geologic
- 25 investigations conducted in the past, and no active

- 1 faults have been found at the Sunshine Canyon
- 2 Landfill.
- 3 This slide explains the allowable
- 4 displacement that is mentioned in the comments. The
- 5 slide shows the relationship between the waste mass
- 6 disposed in the landfill, the liner system, and the
- 7 bedrock on a slope of the landfill.
- 8 Allowable displacement, as denoted by
- 9 the red arrows, is the maximum permanent movement
- 10 along a critical surface that is allowed during an
- 11 earthquake. This can be seen from the previous slide
- 12 and this one. Tectonic uplift and allowable
- 13 displacement are two different concepts and should
- 14 not be compared.
- 15 Ideally, it would be the best if we
- 16 can design a landfill-liner system with no
- 17 displacement during an earthquake. However, since a
- 18 design with zero displacement is not achievable, an
- 19 allowable displacement is used.
- 20 A 12-inch allowable displacement would
- 21 be less stringent than a 6-inch allowable
- 22 displacement, which is applicable to the proposed
- 23 Cityside Landfill expansion.
- 24 Wetland regulations were discussed
- 25 extensively at the September 11 board meeting. Board

- 1 Members expressed concerns regarding the location of
- 2 the mitigation site and were provided information
- 3 from staff.
- 4 However, after the board meeting,
- 5 staff received comments from the public that federal
- 6 wetland regulations were not met by the tentative
- 7 WDRs. The proposed expansion of the City Landfill
- 8 will require the removal of 3.41 acres of riparian
- 9 habitat and wetlands.
- 10 Section 258.12 of the Code of Federal
- 11 Regulations, 40 CFR, requires that, among other
- 12 things, the proponents of a new landfill or landfill
- 13 expansion demonstrate that, where applicable under
- 14 Section 404 of the Clean Water Act or applicable
- 15 State Wetlands laws, the presumption that practicable
- 16 alternatives to the proposed landfill is available
- 17 which does not involve wetlands is clearly rebutted.
- 18 The issue raised is that BFI had not
- 19 fulfilled the requirements contained in the federal
- 20 regulations. Section 311, in the application
- 21 document -- the JTD -- that BFI submitted to the
- 22 Regional Board, specifically addresses 40 CFR Section
- 23 258.12.
- 24 Similar information is also included
- 25 in the Supplemental Environmental Impact Report, or

- 1 the SEIR, that was prepared for the proposed landfill
- 2 expansion in BFI's application to the U.S. Army Corps
- 3 of Engineers for a 404 permit. Staff believe that
- 4 BFI has made the necessary demonstration to fulfill
- 5 the federal requirements.
- 6 However, to ensure that federal
- 7 regulations are not violated, new requirements have
- 8 been added to the tentative WDRs to ensure that no
- 9 wetlands will be removed unless a 404 permit and a
- 10 401 certification are issued under the Federal Clean
- 11 Water Act. These are in the change sheets that I
- 12 mentioned at the beginning of this presentation.
- 13 Because of the contamination detected
- 14 in groundwater, including the detection of the 1,4-
- 15 dioxane, BFI is required to implement a Corrective
- 16 Action Program, or CAP, at the Cityside Landfill in
- 17 accordance with California Code of Regulations Title
- 18 27.
- 19 A Corrective Action Program was
- 20 included in the tentative WDRs that were considered
- 21 at the September 11 board meeting. Because of the
- 22 uncertainty regarding the Board's action on the
- 23 tentative WDRs, the executive officer issued a
- 24 cleanup and abatement order on October 17, 2003, that
- 25 requires a Corrective Action Program at the Cityside

- 1 Landfill.
- 2 This was done because the Corrective
- 3 Action Program should be implemented as early as
- 4 possible to reduce the chance of contaminants being
- 5 released off-site. It should also be pointed out
- 6 that the Corrective Action Program is required,
- 7 regardless of whether the proposed landfill expansion
- 8 is approved or denied by the Regional Board.
- 9 The Corrective Action Program includes
- 10 corrective measures such as the construction of an
- 11 impermeable subsurface barrier -- the cutoff wall
- 12 across the mouth of Sunshine Canyon -- installation
- 13 and operation of extraction wells to remove
- 14 groundwater from behind the cutoff wall, upgrading
- 15 and continuing operation of the existing groundwater-
- 16 extraction trench, ongoing upgrades, and operation of
- 17 the landfill-gas collection system and modification
- 18 of the groundwater-monitoring system.
- 19 It also includes requirements for the
- 20 delineation and evaluation of 1,4-dioxane
- 21 contamination that was detected in several
- 22 groundwater-monitoring wells at the site and a prompt
- 23 final closure of the Cityside Landfill. All these
- 24 requirements are also included in the tentative WDRs
- 25 that are presented today.

- 1 If the tentative WDRs are adopted, the
- 2 cleanup and abatement order will be rescinded because
- 3 it will no longer be necessary. However, if the WDRs
- 4 are not adopted, the Corrective Action Program will
- 5 be implemented under the cleanup and abatement order.
- 6 As I mentioned, the health-impact
- 7 investigations will be addressed, following the staff
- 8 presentation, by Dr. Simon and Dr. Cozen.
- 9 In conclusion, staff believe that the
- 10 issues that were continued from the September 11
- 11 board meeting have been addressed and recommend that
- 12 the tentative WDRs and monitoring and reporting
- 13 program be adopted.
- 14 The Board has the following options
- 15 regarding this item: adopt the proposed tentative --
- 16 excuse me -- adopt the tentative WDRs as proposed,
- 17 adopt the tentative WDRs with changes, do not adopt
- 18 the tentative WDRs, or continue the issue to a
- 19 further board meeting.
- 20 Board staff believes that the
- 21 tentative WDRs will protect the water resources at
- 22 the site. We therefore recommend that the Board
- 23 adopt the tentative WDRs as proposed. This concludes
- 24 the staff presentation. And we are available to
- 25 answer your questions.

- 1 CHAIR CLOKE: Thank you, Miss Rasmussen.
- 2 At this time I'd like to ask
- 3 Mr. Edwards -- Mr. Edwards, are you here?
- 4 Oh -- oh, pardon me. Yes. I'm sorry.
- 5 We're going to take Dr. Simon, first. Thank you for
- 6 reminding me.
- 7 Is Dr. Simon here? I'm sorry.
- 8 DR. SIMON: I was feeling left out.
- 9 CHAIR CLOKE: You have my apologies. And we
- 10 do so appreciate your being here today.
- DR. SIMON: Can you hear me okay?
- 12 CHAIR CLOKE: Yes.
- DR. SIMON: Okay. Good afternoon.
- 14 CHAIR CLOKE: How about people in the back of
- 15 the room? Can you hear Dr. Simon?
- 16 AUDIENCE MEMBER: Yes.
- 17 AUDIENCE MEMBER: Yes.
- 18 AUDIENCE MEMBER: Not well.
- 19 AUDIENCE MEMBER: No.
- DR. SIMON: Well, I'll try to speak up. Good
- 21 afternoon. For the record, my name is Paul Simon.
- 22 I'm the Director of Health Assessment and
- 23 Epidemiology with the Los Angeles County Department
- 24 of Health Services.
- 25 I'm here at the invitation of the

- 1 Board staff to provide an interim report on the Los
- 2 Angeles County Department of Health Services's
- 3 investigation of community health concerns near the
- 4 Sunshine Canyon Landfill.
- 5 And I've provided a handout of my
- 6 slides for you so you don't have to keep turning
- 7 around, once we get to some of the numbers. And I'll
- 8 try to keep this to just 10 minutes. Do you not
- 9 have the handout?
- 10 CHAIR CLOKE: No. Maybe we could have the
- 11 handout of Dr. Simon's slides?
- DR. SIMON: Next slide, please.
- 13 As background, there have been
- 14 long-standing health concerns voiced by some
- 15 residents who live near the Sunshine Canyon Landfill.
- 16 Prior analysis of cancer rates among residents of two
- 17 census tracts just east of the landfill found no
- 18 evidence of increased rates of cancer.
- 19 And that analysis was done by the USC
- 20 Cancer Surveillance Program back in 1999. Two prior
- 21 EIRs did not identify health impacts associated with
- 22 the proposed expansion.
- 23 Our County Board of Supervisors passed
- 24 a motion, on September 9 of this year, requesting
- 25 that DHS report back to the Board in 30 days with

- 1 recommendations on actions to investigate the
- 2 community's health concerns.
- Next, please.
- 4 So the objective of our investigation
- 5 is, with community input, to plan and implement an
- 6 investigation to assess concerns that there is an
- 7 unusually high rate of illness among persons living
- 8 in close proximity to the landfill.
- 9 We seek to answer the question "Is
- 10 there a high rate for unusual pattern of disease in
- 11 the community adjacent to the landfill?" But, very
- 12 importantly, we will not be able to answer the
- 13 questions "Is there illness in the community that is
- 14 caused by the landfill?" or "Is the landfill safe?"
- 15 And I alluded to that two months ago,
- 16 when I appeared before the Board. The point here, I
- 17 guess, is that, if we find elevated rates of illness,
- 18 that doesn't necessarily prove that those illnesses
- 19 were caused by the landfill because we don't have a
- 20 defined exposure -- for example, a specific
- 21 chemical -- and, in addition, there are lots of other
- 22 factors that influence disease rates.
- On the flip side, if we don't find
- 24 any access -- I'm sorry -- excess in illness, that
- 25 doesn't prove that the landfill is safe. We have

- 1 lots of examples where, looking at disease rates,
- there were no aberrant numbers, no elevation.
- 3 Nonetheless, environmental testing, monitoring showed
- 4 that there clearly were dangerous conditions.
- 5 Love Canal is probably the classic
- 6 example where there was gross contamination and the
- 7 epidemiologic studies were mixed. Some found some
- 8 slight excesses of cancer, some slight excess of low
- 9 birth weight. Other studies were negative.
- 10 Next.
- 11 So our progress today: We held a
- 12 meeting on September 30 in Granada Hills with
- 13 approximately 25 persons, including community
- 14 representatives, several local experts, and DHS
- 15 staff.
- 16 And the key discussion points at that
- 17 meeting were, first of all, to define, as clearly as
- 18 we could, what the health conditions were of greatest
- 19 concern and then to study and come to a consensus on
- 20 what populations could be studied, given the
- 21 circumstances, the finite resources available; what
- 22 would be the optimal methods of study; and, finally,
- 23 very importantly, how could we best communicate the
- 24 findings broadly to the community.
- Next, please.

- 1 We sent a memo to the County Board of
- 2 Supervisors on October 14 -- and I believe your staff
- 3 obtained a copy of that several weeks ago -- in which
- 4 we described our investigation plan.
- 5 And the plan included the following
- 6 components: Number 1, additional analysis of data
- 7 from the USC Cancer Surveillance Program, including
- 8 analysis of census tracts that extend down below the
- 9 landfill; analysis of low-birth-weight births in the
- 10 County and in the local community; analysis of data
- 11 from the California Birth Defects Monitoring Program;
- 12 analysis of mortality rates and causes of death;
- 13 analysis of childhood asthma; a targeted household
- 14 survey; some additional cancer-case-finding efforts;
- 15 and then, finally, a literature review.
- And that would be a review of the
- 17 scientific literature to see what evidence is out
- 18 there on the relationship between health and
- 19 landfills.
- Next, please.
- 21 This map shows the areas that were
- 22 studied in the analysis of cancer, low birth weight,
- 23 and mortality. And what it shows is a census tract
- 24 in which the landfill is located -- 1066.03. The
- 25 population of that census tract is about 3,000.

- 1 That was one level of analysis and
- 2 perhaps the most important because it's in closest
- 3 proximity to the landfill.
- 4 And then the second level of analysis
- 5 is that string of eight census tracts that extend
- 6 from the east down across the south side of the
- 7 landfill. And the total population in those census
- 8 tracts combined is about 35,000. And we compared
- 9 disease rates in those two areas with countywide
- 10 rates.
- Next, please.
- I show this slide, though, just to
- 13 indicate that the birth-defects analysis that was
- 14 done by the State of California Birth Defects
- 15 Monitoring Program was required to use ZIP codes
- 16 because they don't have census tract information in
- 17 their database. So we asked them to look at rates of
- 18 birth defects in the three ZIP code areas closest to
- 19 the landfill.
- 20 You can see, though, that the one --
- 21 91342 -- extends quite a distance to the east of the
- 22 landfill.
- Next, please.
- So, first of all, the results of the
- 25 analysis of low-birth-weight births -- and I

- 1 apologize; this prop may not be visible for those in
- 2 the back. I'm happy to share the handout, though,
- 3 with anybody interested, at the end of today's
- 4 session. And I'll point out the important findings.
- 5 In the landfill tract, there were 227
- 6 births during this 7-year period. Let me mention we
- 7 chose 1982 through '88 because the information we got
- 8 from the community was that the greatest amount of
- 9 dust and debris flowing into the neighborhood was in
- 10 the 80's.
- 11 And when you're considering low-birth-
- 12 weight births, you're looking at, you know,
- 13 relatively recent exposure. We also did the analysis
- 14 for the 1990's and didn't find anything different
- 15 than what I'm presenting here. There were slightly
- over 3,000 births in those adjacent tracts and then,
- 17 countywide, a little bit over a million births in
- 18 this 7-year period.
- 19 In the Sunshine Canyon Landfill tract,
- 20 there were 10 low-birth-weight births. And those are
- 21 births -- birth weights of less than about 5-and-a-
- 22 half pounds -- so 10 of those for a rate of about 4.4
- 23 percent, between 4 and 5 per hundred.
- 24 If you look at the adjacent tract,
- 25 it's 5.6 percent -- 5.6 per hundred; and then

- 1 countywide, 6.4 per hundred. We also looked at the
- 2 average birth weight for all those births, not just
- 3 low birth weight, but all births in each of these
- 4 three regions and didn't find any notable
- 5 differences.
- Now, one important point, though, is
- 7 the population living in the landfill tract is
- 8 different demographically than the population
- 9 countywide. Some populations, for a variety of
- 10 reasons, have higher rates of low birth weight. So
- 11 we did adjust the results by race, ethnicity, and
- 12 also by maternal age. And that didn't change the
- 13 findings in any significant way.
- Next, please.
- This slide shows the number and the
- 16 rate of deaths by leading causes, again, for those
- 17 three areas. We looked here at 1996 through 2001.
- 18 And you can see, for the landfill tract -- it shows a
- 19 little bit -- 95 deaths during that 7-year -- I'm
- 20 sorry -- 6-year period for overall rate, cumulative
- 21 rate, of about 400 -- about 398 deaths per 10,000
- 22 residents over that 6-year period.
- 23 The rate, higher in the adjacent
- 24 tract -- 545 per 10,000; and then, countywide, 468
- 25 per 10,000. If you look at the leading causes of

- 1 death in just the rank order, you can see that the
- 2 rank order is very similar across the three
- 3 jurisdictions.
- 4 For example, heart disease is the
- 5 leading cause in all three areas; cancer, all types
- of cancer combined, the second leading cause; and on
- 7 down the list. You get into very, very small
- 8 numbers, though, in the landfill tract. And that
- 9 really is the fundamental problem here in trying to
- 10 do any kind of statistical analysis.
- 11 Once you start to look at very
- 12 specific health outcomes that aren't quite as common,
- 13 you have very small numbers. And that limits your
- 14 statistical power to identify small increases in
- 15 risk. The important point here, though, is that the
- 16 mortality pattern in the landfill tract and the
- 17 adjacent tract is -- are approximately similar to the
- 18 mortality pattern countywide.
- 19 Again, back to my objective slide,
- 20 though, the lack of a significant finding doesn't
- 21 prove that the landfill is safe.
- But, again, in responding to community
- 23 concerns about large numbers of people dying in their
- 24 neighborhoods, it does suggest that the overall
- 25 mortality pattern's pretty similar in their

- 1 neighborhood as in the County.
- Next, please.
- 3 This is an analysis of birth defects
- 4 from the California -- the State Birth Defects
- 5 Monitoring Program. Lot of numbers on this slide.
- 6 It's a bit difficult to follow.
- 7 But I just want to point out they
- 8 looked at five different kinds of birth defects, the
- 9 only five, actually, that they track in Los Angeles
- 10 County -- neural tube defects; two congenital heart
- 11 defects -- transposition of the great vessels and
- 12 tetralogy of Fallot; cleft lip, with or without cleft
- 13 palate; and Down syndrome.
- 14 You can see some differences in the
- 15 rates. Comparing L.A. County with the three ZIP code
- 16 areas, none of those reach statistical significance,
- 17 meaning that, from a statistical perspective, there
- 18 is no difference.
- But, again, from a practical
- 20 perspective, the numbers are very small. In many of
- 21 these cells, it was really only one, two, or three
- 22 birth defects identified. And so it's hard to --
- 23 there's nothing alarming here. But on the
- 24 alternative side of the coin, there's nothing that
- 25 proves that the landfill is safe.

- 1 Next, please.
- 2 The status of the remaining components
- 3 of the investigation: We've made the commitment to
- 4 get a better handle on what the rates of asthma are,
- 5 particularly childhood asthma, in the community. One
- 6 way we're going to do that -- and we're in the
- 7 process of doing that -- is working with L.A.U.S.D.
- 8 There's an elementary school in the
- 9 neighborhood adjacent to the landfill. We've met
- 10 with the L.A.U.S.D officials. It turns out that, in
- 11 order to review the children's medical records, we
- 12 need parental consent. They're in the process of
- 13 getting that.
- 14 In addition, we're talking with folks
- 15 in the USC Medical School because they have an asthma
- 16 mobile-van program. And we're going to see if we can
- 17 get them to put the van out at the school so that we
- 18 can actually do pulmonary-function testing of the
- 19 kids there and compare the results with other schools
- 20 around the county in similar neighborhoods.
- 21 We also are going to do a targeted-
- 22 household survey, focussed predominantly on asthma
- 23 and on cancer, although we may collect some
- 24 additional information. And we're in the process of
- 25 working with this community advisory group to

- 1 determine exactly what the content of this survey
- 2 should be.
- We're going to target the survey just
- 4 for that one landfill census tract and probably
- 5 sample about 100 of the thousand households in that
- 6 census tract. But we'll do it in a way so that the
- 7 sample is representative.
- We're going to do some additional
- 9 targeted cancer case findings with assistance from
- 10 some of the community just in that landfill census
- 11 tract, again, to, again, address their concerns that
- 12 cancer is very prevalent in their community, to make
- 13 sure that we're not missing something in the cancer
- 14 registry analysis.
- 15 And then, finally, the literature
- 16 review, which is in progress, although I have an
- 17 excellent article, a review article, that I'll
- 18 provide for you that reviews 50 studies that have
- 19 been done of health in communities adjacent to
- 20 landfills.
- These are a variety of studies. Some
- 22 have looked at single landfill sites; some, at
- 23 multiple landfills. Some of the studies have found
- 24 associations -- for example, low birth weight,
- 25 elevated rates of certain types of cancer.

- 1 Many of the studies have been
- 2 negative. The vast majority of these studies have
- 3 looked specifically at hazardous-waste sites, not
- 4 municipal-waste sites.
- 5 The conclusion of the author is that
- 6 there may be something there, but it's hard to tell,
- 7 again, for the reasons I've mentioned -- that often
- 8 the exposure is poorly quantified. It's difficult to
- 9 quantify the exposure.
- To do an epidemiologic study, you need
- 11 to have a well-quantified exposure level and then the
- 12 small-numbers problem, again. Most of these
- 13 communities adjacent to landfills don't have, you
- 14 know, 50, a hundred thousand people, which is the
- 15 size you need if you're looking at relatively rare
- 16 health outcomes and looking for subtle increases in
- 17 risk.
- 18 So that concludes my presentation.
- 19 Unfortunately, today, I have to leave at 5:30. And I
- 20 really apologize. But until then, I'm happy to
- 21 answer questions. And I'm available the rest of this
- 22 week also to answer questions.
- 23 CHAIR CLOKE: Thank you, Dr. Simon.
- Is Dr. Cozen present?
- DR. COZEN: Good afternoon. And I am

- 1 Dr. Cozen, for the record -- Wendy Cozen. I'm from
- 2 USC and an assistant professor in preventive
- 3 medicine, which is basically cancer epidemiology
- 4 department, and also serve as the medical
- 5 epidemiologist for the Cancer Surveillance Program.
- 6 And I have a little bit of background that Dr. Simon
- 7 suggested.
- 8 I also want to commend my colleagues
- 9 at the Health Department -- Dr. Simon and Dr. Rangan.
- 10 I think they're doing a really good job of trying to
- 11 address the community concerns -- very thorough.
- 12 So very, very briefly, the history of
- 13 the Cancer Surveillance Program is that, in 1970,
- 14 Norris Cancer Center at USC established voluntary
- 15 collaboration. In those days, we had 220 hospitals
- 16 in L.A. County.
- 17 And Dr. Henderson got all the
- 18 hospitals to send pathology reports. So every case
- 19 diagnosed by a pathology report was counted. Partly
- 20 because of the "McFarland" (phonetic) leukemia
- 21 problem, which has still not been resolved to this
- 22 day in the Central Valley, the state legislature
- 23 decided to make cancer a reportable disease.
- So now, cancer's a reportable --
- 25 CHAIR CLOKE: Dr. Cozen, our court reporter is

- 1 having trouble keeping up with you.
- 2 DR. COZEN: Okay. I will slow down. I'm
- 3 trying to, in the interests of time --
- 4 CHAIR CLOKE: Yes. I understand. But we have
- 5 to get your words of wisdom on the record.
- 6 DR. COZEN: Okay. So cancer became a
- 7 reportable disease, just like other infectious
- 8 diseases, so we could track and monitor trends. And
- 9 so we get some of our funding from the State Health
- 10 Department.
- In 1992, we became the tenth National
- 12 Cancer Institute Registry. Now, we've received
- 13 funds, as well, from the National Cancer Institute.
- 14 And we collect additional types of data for them.
- 15 There's a bunch of registries that have been chosen
- 16 across the country to provide data.
- Next slide, please.
- Just to give you a little picture, we
- 19 are the most populous county in the United States, as
- 20 you all know, with 9.5 million people. We get
- 21 36,000 -- "new incident" means "new cases" diagnosed
- 22 every year that we collect. We only collect new
- 23 cases.
- Now we have 101 hospitals, 15 labs, 14
- 25 other diagnostic facilities. And we send a

- 1 technician out once or more than once a month to
- 2 collect, go through the pathology reports to get the
- 3 cancer information, which is then reported to the
- 4 State and NCI.
- 5 Next.
- 6 The purposes are to monitor cancer
- 7 trends in Los Angeles County; to describe risk
- 8 patterns by various groups so we can target controls
- 9 and preventions -- also, of course, by geography --
- 10 and, in addition, to facilitate studies which our
- 11 department does. And other departments use our data
- 12 to do a number of studies.
- 13 Next.
- 14 A few years ago, when the EPA was
- 15 investigating U.S. -- no -- L.A. Unified schools and
- 16 there was an investigation with respect to dumpsites,
- 17 I believe, we worked with Dr. Simon. And we came up
- 18 with criteria.
- 19 And I just thought it would be
- 20 interesting to show you the kinds of issues we have
- 21 to think about when thinking about an
- 22 investigation -- the criteria with which you would
- 23 decide whether or not to do an investigation, based
- 24 on the scientific reasons.
- 25 First is that the reports must be

- 1 based on documented cases of first primary cancers.
- 2 That means by pathology report or medical records.
- 3 It has to be documented. And benign tumors wouldn't
- 4 count.
- 5 Somebody could get diagnosed with
- 6 cancer and move into an area and then later develop a
- 7 metastasis to the brain. That would not count as a
- 8 new case. So it would have to be new cases of
- 9 cancer.
- 10 Also skin cancers that are not
- 11 melanoma -- the benign -- the basal cell and squamous
- 12 are not counted. This is important for our
- 13 background information. They're very common and not
- 14 particularly serious, although they have to be
- 15 treated. But we don't count those because it's just
- 16 not possible.
- 17 So the next thing is that the concern
- 18 would have to involve specific types of cancer that
- 19 would be linked to a specific cause and a specific
- 20 exposure -- so not cancer in general.
- 21 So you would want to identify a
- 22 concern and link it to something you're measuring or
- 23 at least that there would be a chance of measuring in
- 24 the environment that you would link the cancer to.
- 25 That's Number 3 -- that there is a measurable

- 1 environmental hazard or exposure.
- Next slide.
- 3 The most important one, often, for
- 4 geographic assessments is that the sample size has to
- 5 be large enough and a comparison group available so
- 6 the result will be meaningful. That's a very
- 7 difficult problem.
- 8 The next one is we all need sufficient
- 9 resources. And in this era of tax cuts, as you know,
- 10 it's very hard to get the resources to carry out
- 11 these analyses and investigations.
- 12 And, finally, the State and our
- 13 Registry imposes that no confidential information
- 14 will be released, which is why we have to suppress
- 15 the cells when there's fewer than 10 cases.
- Next slide.
- 17 This little graph might help address
- 18 some of the confusion. This actually is a
- 19 theoretical point of carcinogen emissions. And the
- 20 "CT" stands for "Census Tracts," which typically have
- 21 about 5,000 people in them in Los Angeles. Keep in
- 22 mind, we have 1,600 census tracts, roughly. I think
- 23 there may be more. That was 1990 in Los Angeles
- 24 County.
- 25 The little circle with the red dot

- 1 represents a point-source emission. In this case, we
- 2 could think of it as the Sunshine Canyon Landfill and
- 3 the population immediately surrounding it, which we
- 4 theoretically said was 2,000. But, in fact, Paul
- 5 says that the -- Dr. Simon says that the census tract
- 6 has 3,000. So that's pretty close, rough.
- 7 In that census tract, in any given
- 8 year, the average number of rare cancers like brain,
- 9 leukemia, bladder cancer would actually -- in that
- 10 population of 2,000, we would expect .1 of those
- 11 cancers to be diagnosed every year.
- 12 That means, if we have had a 200
- 13 percent increase, a twofold increase in risk, which
- 14 is 200 percent, it only goes up to .2. So you can
- 15 see that, if we're talking about very, very tiny
- 16 increases like 1 percent, the chance of detecting
- 17 that -- this is .2 people -- it's going to be very
- 18 unlikely to find that kind of an increase.
- 19 If we talk about a more common
- 20 cancer -- say, breast or lung -- in a population of
- 21 that size, on a yearly basis, we might expect 1 or 2
- 22 cases a year. So, again, a 200 percent increase is
- 23 going to be 2 or 3 or 4 cases. And that's just going
- 24 to be very, very hard to detect.
- 25 If we move outward and we look at

- 1 bigger and bigger populations, excess rates become
- 2 much easier to detect. But the problem with that is
- 3 that the exposure dissipates. And the exposure
- 4 decreases -- when you're talking about air, it's
- 5 something like the cube of the distance from the
- 6 point source.
- 7 So the farther out you go, the lower
- 8 the exposure and the less likely those people in the
- 9 farthest communities are going to be exposed, in
- 10 general.
- 11 So this is kind of the Achilles' heel,
- 12 you might say, of trying to do these geographic
- 13 assessments. Unless you had a gigantic risk,
- 14 something like an atomic bomb, where you know there's
- 15 going to be many, many, many, many, many cases,
- 16 frankly, it's very difficult to detect an excess
- 17 risk.
- That doesn't mean, as Dr. Simon said,
- 19 that somebody didn't get their cancer, in some way
- 20 contributed to, by living near that exposure. It
- 21 just means there aren't enough excess cases for us to
- 22 detect it in our assessment, which means the
- 23 assessment in some ways is somewhat limited for this
- 24 kind of a problem.
- Okay. Next slide.

- 1 Here's another example. We've
- 2 plotted -- the little squares represent a census
- 3 tract. This is lung cancer incidence rates in
- 4 different census tracts in Los Angeles. And you can
- 5 see there's a lot of variation.
- 6 Why? Well, the biggest reason, of
- 7 course, is there's a lot of variation in the number
- 8 of people that smoke in different census tracts,
- 9 which is the biggest factor contributing to lung
- 10 cancer.
- 11 You see the little red bar up there.
- 12 If there was an excess of 4 to 8 cases in that one
- 13 census tract, as we're looking over our county,
- 14 that's going to be very hard to see. You'd really
- 15 have to get up to the 30 excess cases to be able to
- 16 say, "Aha. We really have an excess here."
- So, again, it goes back to the problem
- 18 of a small sample size and a low exposure and not
- 19 being able to detect it.
- Next.
- I also very briefly want to address
- 22 some misconceptions. I'll go fast, but I think
- 23 they're important.
- "Cancer is rare. But it's also
- 25 common." It's rare at any individual time. But one

- 1 third of us, in our lifetime, are going to develop
- 2 cancer.
- 3 And in my job as medical
- 4 epidemiologist, I get three to five calls a week from
- 5 people around Los Angeles County in different
- 6 neighborhoods that are very concerned about their
- 7 neighborhood and their excess cancer they perceive in
- 8 their areas because there is a lot of it out there.
- 9 "Cancer is a single disease." And
- 10 that's one of my biggest points. It is not. We
- 11 combine it for public hearings and that sort of thing
- 12 to describe it to the public. But just like in the
- 13 days before we knew what germs were, if we put all
- 14 infectious diseases together and tried to find a
- 15 cause, we would never find the cause.
- We have to separate the diseases.
- 17 That will make it more likely for us to find out
- 18 what's really going on and what's really causing
- 19 these cancers.
- The third one is that "We have no idea
- 21 what causes cancer." That's not true either. And I
- 22 have a slide that I'll just skip over next, but we
- 23 actually have made a lot of progress.
- 24 And the fourth one, the most
- 25 important, is that "We cannot tell an individual why

- 1 they got their specific cancer." We can look at a
- 2 population and say, "People who smoke are 10 times
- 3 more likely to get cancer, lung cancer." But we
- 4 can't examine a person with lung cancer at this point
- 5 and say, "Aha. You got your lung cancer because you
- 6 smoked."
- 7 That will take -- I think we may be
- 8 able to do that in the future. But we're not there
- 9 yet. And that will take very specific science that
- 10 will link the exposure to a mutation in a gene in the
- 11 tumor. And we're just not there yet.
- Okay. Next.
- 13 Here's some cancers with known causes.
- 14 And I only want to call your attention to one, which
- 15 is the first -- breast cancer -- which has touched
- 16 many of our lives, including mine.
- 17 And it says, "Mammographic density" on
- 18 there, which is actually the density of breasts when
- 19 you're having a mammogram. Women that have the
- 20 densest breasts have a 500 -- no -- a 50-fold
- 21 increased risk -- a 5-fold increased risk, which
- 22 means a -- what? -- 5,000 percent increase in breast
- 23 cancer compared to women that have the lowest
- 24 density.
- 25 Again, when we're looking in these

- 1 geographic areas for 1 or 2 percent increases, it's
- 2 just peanuts compared to these kinds of risk factors.
- 3 So there is a lot known. And as cancer researchers
- 4 now -- I'll put the hat on as a cancer researcher --
- 5 we tend to go for the causes that are really big so
- 6 we can see them.
- 7 Okay. Next slide.
- 8 I have mesothelioma on here because
- 9 mesothelioma and bladder cancers are the two cancers
- 10 that have been, in the past, definitively linked to
- 11 environmental concerns -- mesothelioma because the
- 12 risk associated with asbestos is very, very large.
- 13 It's 20 or something like that.
- 14 And so even a small -- you can tell --
- 15 and it's also a very rare cancer. So when you have a
- 16 community that's been exposed and suddenly you have
- 17 10 cases of mesothelioma in some years, then you can
- 18 be pretty sure that there's something going on in the
- 19 environment.
- Okay. Next.
- 21 So now getting to our assessment, with
- 22 that background, we were requested by the Health
- 23 Department -- by Dr. Simon -- to do an analysis of
- 24 the cancer risk around the Sunshine Landfill.
- 25 And we combined it into two areas, at

- 1 his suggestion, which was good -- first, in the
- 2 census tract that contains the landfill and,
- 3 according to the map you saw, in the other census
- 4 tract around the landfill.
- 5 Next.
- What we did is there's about 84
- 7 different types of cancer. We didn't do all of them.
- 8 We picked the ones that have been associated most
- 9 often with chemical exposures and those are -- and
- 10 also with dumpsite exposures.
- Now I haven't read a lot just on this
- 12 particular case to see what substances, if any, were
- 13 identified. But with dumpsites, one would normally
- 14 be concerned about arsenic, benzene, possibly
- 15 hexavalent chromium, vinyl chloride -- those kinds of
- 16 things, especially with them getting into the water.
- So we picked lung, bladder, colon,
- 18 kidney, brain, liver, and childhood cancer combined
- 19 as kind of the cancers that might be most affected by
- 20 the environment. The community was concerned about
- 21 breast cancer. So we added that. And we also added
- 22 also all sites combined, although we're trying to
- 23 resist doing that because we're trying to get the
- 24 message out that cancer is not one disease.
- Okay. Next.

- This is in the landfill census tract.
- 2 And what you -- the green bars represent maximum
- 3 number compatible with chance. We draw a 95 percent
- 4 confidence limit around the "expected" because, "by
- 5 chance" -- it can be low or high.
- And the blue bars are the number
- 7 observed. If the blue bars were greater than the
- 8 green bars, then you would have an excess. Okay?
- 9 So you can see here, for these types,
- 10 for all sites combined, for males and females, and
- 11 for breast cancer, the observed number -- remember;
- 12 these are new cancers diagnosed from 1972 to 1999 --
- 13 was lower than that expected by the -- based on the
- 14 county rate.
- Okay. Next.
- We could not evaluate the other types
- 17 of cancer. We looked at males and females
- 18 separately. And there were not -- there were fewer
- 19 than 10 in each of these types in that census tract
- 20 during that period of time.
- 21 Next.
- In the combined tracts, we looked
- 23 at -- we could look at most of the types. And,
- 24 again, you see that the number observed is lower than
- 25 the number expected. I want to make one more point.

- 1 Remember that the number expected is based on the
- 2 rate, the incidence rate.
- 3 And how do you get an incidence rate?
- 4 You count the number of cancers -- this is simple;
- 5 but this is how you do it -- and you divide it by the
- 6 people at risk. Where do you get the people at risk?
- 7 We get it from the census. How accurate is the
- 8 census? Well, we know that the census is not that
- 9 accurate.
- 10 So that's why we have to use a
- 11 confidence interval around it because we know there's
- 12 lots of misclassification in these rates, in any kind
- 13 of rates, when we're dealing with populations,
- 14 especially when it's based upon the census.
- 15 And that's another reason why probably
- 16 it makes sense to look at risks only that are greater
- 17 than 1.5 -- a 50 percent increase, in that area.
- 18 When you're getting down to tiny
- 19 risks -- like, 1 percent, 2 percent -- there's so
- 20 much misclassification by the census that we really
- 21 can't be very confident in any kind of evaluation of
- 22 very, very low risk.
- Okay. Next.
- This is also for males. We added
- 25 "Brain" at the last minute because we thought that

- 1 might be important.
- 2 CHAIR CLOKE: Dr. Cozen, can I just ask you
- 3 how many more slides you have?
- 4 DR. COZEN: Not many. About five.
- 5 CHAIR CLOKE: Because it seems like we're
- 6 getting the same information --
- 7 DR. COZEN: As in the reports.
- 8 CHAIR CLOKE: -- that we got -- okay.
- 9 DR. COZEN: All right.
- 10 Keep going, then because it's --
- 11 Here you see "Breast" was almost right
- 12 at the maximum number but still within what we expect
- 13 by chance.
- Okay. Go ahead.
- 15 And, again, the last few cancers --
- 16 bladder, childhood, and kidney. So we found that,
- 17 for every type we looked at, the number of observed
- 18 during this time period in this area was below -- was
- 19 within what we would expect.
- Okay. Next.
- Now, my attention has been called by
- 22 Dr. Simon that residents are concerned about
- 23 misclassification from people moving in and out of
- 24 the area. We developed this slide a number of years
- 25 ago. I think this was based -- yes. It was based on

- 1 1980 census tract data. You actually can find out
- 2 how many people moved in and out.
- 3 This was for the entire county. It
- 4 may even be possible to get that for this particular
- 5 census tract. And the very first number on the
- 6 slide -- don't -- just don't pay attention to that.
- 7 It's supposed to be "zero two fourteen," but it
- 8 converted into a date.
- 9 Anyway, what you can see is, for
- 10 people, especially in their 20's and 30's, a very
- 11 large proportion of those people are moving out. So
- 12 that means, if somebody lived there for their lives,
- 13 moved out, got diagnosed with a cancer somewhere
- 14 else, they wouldn't be picked up.
- By the same token, if somebody got --
- 16 somebody spent their whole lives exposed to something
- 17 else, moved in, and got diagnosed, they would be
- 18 picked up. So it sort of balances each other out.
- 19 But it all depends on the latency of the exposure --
- 20 "How long would you have to live next to the exposure
- 21 to develop the cancer?" That's very important.
- Next slide.
- 23 On the other hand, if you look at
- 24 burden of cancer -- I told you I wasn't going to show
- 25 you all sites; and here it is -- the biggest risk

- 1 factor for cancer is age. And after about age 55,
- 2 that's when the rates really start going up.
- 3 So most types of cancer, what we're
- 4 really concerned with is that -- I mean we're
- 5 concerned with everybody -- but what you really --
- 6 the rates really start going up in older people. And
- 7 those are the people that tend, at least by the
- 8 census data, that tend to be staying around longer
- 9 and living in that area, not moving out so much.
- 10 So we do feel confident that we would
- 11 be able to detect an excess in that group.
- 12 Next slide.
- 13 In these young people, these are the
- 14 most common types of cancer in the group that we've
- 15 already identified as moving out. And all of these
- 16 types of cancers -- well, except for brain -- but
- 17 most of the other types, we have a pretty good idea
- 18 what causes them.
- 19 And there's no evidence to date that
- 20 they're related to dumpsites at all. Kaposi's is
- 21 related to HIV infection and non-Hodgkin's
- 22 lymphoma -- et cetera -- I could go on for a long
- 23 time.
- We can look at females. Same thing.
- 25 These are the top six cancers in young women. And,

- 1 again, they are not related to the exposures
- 2 associated with dumpsites.
- Next.
- 4 Just to show you, by this process,
- 5 we're working on an atlas; and we're going to be
- 6 presenting this in December to the Public Health
- 7 Association. We can identify census tracts at high
- 8 risk in Los Angeles and will be publishing this data.
- 9 Here's breast cancer. And here's the
- 10 census tracts that are at high risk for breast
- 11 cancer.
- 12 Next slide.
- 13 Here's lung cancer. And you can see a
- 14 very different pattern so -- and there's a different
- 15 pattern for every single cancer.
- Next slide.
- 17 So the conclusions are that we did not
- 18 find excess cancer occurrence detected in the
- 19 residents near Sunshine Canyon. In the past, around
- 20 Los Angeles County and through this atlas, we've
- 21 examined cancer near other dumpsites. And we haven't
- 22 found excess cancer.
- However, as I hope I've showed you,
- 24 cancer is not a good canary in the coal mine for
- 25 these kinds of toxic exposures because the exposures

- 1 are low and the risks are low. And it's not a good
- 2 marker.
- 3 So our recommendation is that
- 4 decisions on Sunshine should be made on either
- 5 demonstrated or potential exposures, not on the basis
- 6 of these cancer-occurrence analyses. Thank you.
- 7 CHAIR CLOKE: Thank you.
- 8 DR. COZEN: Sorry it was a little long.
- 9 CHAIR CLOKE: No. It was very informative.
- 10 Thank you.
- Board Members, Dr. Simon has said that
- 12 he needs to leave at 5:00 o'clock. I'm wondering if
- 13 there are any questions of Dr. Simon before he goes.
- 14 We're trading up here. Dr. Simon gets
- 15 to go home if you'll stay.
- DR. COZEN: I have -- I was supposed to leave
- 17 at 5:30. Is that good enough?
- 18 CHAIR CLOKE: I hope -- I hope we're going to
- 19 just have -- I hope we're going to move quickly
- 20 through the rest of this because --
- 21 DR. COZEN: Okay.
- 22 CHAIR CLOKE: -- this will be our third
- 23 hearing on this matter --
- DR. COZEN: Okay. Thank you very much.
- 25 CHAIR CLOKE: -- although it's the first time

- 1 we've had your presence. Thank you.
- 2 Dr. Simon? I just want to -- where is
- 3 he?
- 4 DR. SIMON: Yeah?
- 5 CHAIR CLOKE: I just wanted to say, "Thank you
- 6 very much." It looks like no Board Members have
- 7 questions.
- 8 Oh, you do. I'm sorry. Okay.
- 9 MR. PAK: It's a very simple question. It was
- 10 very informative to get all that information and
- 11 data, you know; and the presentation was nice. But,
- 12 again, you sort of left it ambiguous. And what we
- 13 really need to know is, in your professional opinion,
- 14 what are the conclusions?
- DR. SIMON: Yeah. My conclusion is that, so
- 16 far -- let me emphasize, again, this is interim.
- 17 We've made the commitment to the board -- our
- 18 board -- and to the community that we're going to not
- 19 just rely on the available data and those analyses
- 20 but also to do some additional data collection in the
- 21 community.
- 22 So but based on the analyses so far,
- 23 I've not seen anything unusual in terms of the
- 24 patterns of illness and mortality. But I think I
- 25 have to go back to what Dr. Cozen just said -- that

- 1 these sorts of analyses, not just cancer, but other
- 2 sorts of health studies like this, are not very
- 3 sensitive at picking up a problem.
- 4 And so my recommendation would be that
- 5 you need -- in making a judgment about whether this
- 6 landfill is safe, you're going to need to rely on
- 7 lots of different sources of information. You can
- 8 certainly consider our health information. But I
- 9 wouldn't rely solely on it.
- 10 I'd want to know, you know,
- 11 "Specifically what about the EIRs allowed
- 12 decision-makers to conclude that it was safe?" And,
- 13 you know, "What have been the environmental-
- 14 monitoring results for the area?" -- those sorts of
- 15 things.
- 16 MR. PAK: Okay. Thank you.
- 17 CHAIR CLOKE: Dr. Simon, before you leave us,
- 18 this study -- this study that you're going to do in
- 19 the neighborhood, in the area -- how long do you
- 20 think that will take?
- DR. SIMON: We have a meeting, on November 18,
- 22 with the community again. In my experience, the most
- 23 time-consuming part of it is coming to an agreement
- 24 on the questionnaire. And if that goes swiftly, I
- 25 think we could be done by the end of January.

- 1 But it would be a mistake to rush the
- 2 process. If you have a bad questionnaire, then the
- 3 results, you know, don't mean anything. So it could
- 4 conceivably drag on into the spring if we have a lot
- 5 of disagreement about the questionnaires.
- The other components, I think, can be
- 7 done over a seven-month -- several -- several-month
- 8 period of time. But I think the community greatly
- 9 values the effort to do the household survey and,
- 10 then, so I wouldn't want, you know, to provide any
- 11 final report until that household portion is
- 12 complete.
- 13 CHAIR CLOKE: I would agree with that.
- 14 And I think that one of the good
- 15 things that has come out of these hearings has been
- 16 the fact that you are going to be conducting this
- 17 study because I think it will help to educate the
- 18 community and help us -- to educate us as well on
- 19 what is really happening there, which, at this
- 20 moment, is something that none of us knows the answer
- 21 to.
- DR. SIMON: Right.
- 23 CHAIR CLOKE: Thank you very much,
- 24 Dr. Simon --
- DR. SIMON: Thank you.

- 1 CHAIR CLOKE: -- for your time and for your
- 2 work in the community.
- Okay. I guess we're back on track.
- So, Mr. Edwards? Mr. Edwards, how
- 5 long is your presentation?
- 6 MR. EDWARDS: I think it will be about 15
- 7 minutes.
- 8 CHAIR CLOKE: Do you need -- would it be all
- 9 right with you if we took some of the elected
- 10 officials ahead of you?
- MR. EDWARDS: Sure.
- 12 CHAIR CLOKE: Okay. Thank you.
- MR. EDWARDS: Sure.
- 14 CHAIR CLOKE: I would appreciate that.
- 15 Could we hear from Councilman Greig
- 16 Smith, please?
- I also need to announce at this
- 18 time -- I've been made aware that there's material
- 19 that's been brought to the meeting today.
- 20 The way our -- the way we accept
- 21 the -- the way we need to accept material is that it
- 22 has to be submitted within the deadline because the
- 23 presumption is that the Board Members have had an
- 24 opportunity to read all the material.
- 25 And if we accept material today that

- 1 we haven't read, then that clouds the record. And
- 2 people might be able to even challenge the record,
- 3 based on the fact that we hadn't read the material
- 4 that we were presumably using as a basis for our
- 5 voting.
- 6 So I have to ask you to keep your
- 7 comments -- your material that you submit to be
- 8 constant with your comments today.
- 9 Having said that, if you have material
- 10 that you want to become part of the file for the
- 11 future, you're certainly welcome to mail it to us.
- 12 And we can include it in the file as material that
- 13 came in after the record was closed and then, in
- 14 future occasions, if we need to revisit this issue,
- 15 that it will become part of the file.
- 16 So I would just like to make that
- 17 announcement.
- 18 And I would also like to announce, at
- 19 this time, that we have received a letter from
- 20 Supervisor Burke in support of the BFI permit, which
- 21 is a letter that we are also not able to take into
- 22 the record at this time. But we can, of course, make
- 23 it part of the ex-agenda file.
- We have received a letter from
- 25 Mr. "Robels" (phonetic); Mr. "Worley" (phonetic);

- 1 Mr. Goodman; from L.A. City Councilmembers
- 2 Miscikowski, Parks, Reyes, and Perry; and
- 3 photographs submitted by the North Valley Coalition
- 4 and a letter from Mr. "Sari Ortino" (phonetic).
- 5 And I believe that sums up the
- 6 material. And I hope that you will all understand
- 7 that the reasons for our doing this are to keep our
- 8 record intact for reasons of -- for legal reasons.
- 9 Thank you.
- 10 COUNCILMEMBER SMITH: Thank you, Madam
- 11 Chairman. And for the record, this is not my speech.
- 12 This is the document you're referring to, which will
- 13 be presented to you tomorrow. Thank you very much.
- 14 Members of the Commission, thank you
- 15 very much for your attendance today and your
- 16 listening to this hearing. Obviously, there's a lot
- 17 of people want to be heard. And we thank you for
- 18 your continued interest.
- 19 When this Board held up the approval
- 20 of BFI's WDRs in the past two meetings, it did so
- 21 because it had the courage and responsibility to ask
- 22 the pertinent questions and demand responsible,
- 23 accurate answers. You showed that you take the
- 24 health and welfare of the residents of Granada Hills
- 25 and of the region seriously.

- 1 And you honor your mission statement
- 2 to preserve, enhance the quality of California's
- 3 water supply for the benefit of present and future
- 4 generations.
- 5 In September, when you withheld the
- 6 permit for the second time, you stated several
- 7 reasons for doing so, among them a change in the
- 8 political world in the City of Los Angeles as well as
- 9 other jurisdictions.
- 10 I've presented this Board with a
- 11 letter signed by all five valley council
- 12 representatives, stating that they would not have
- 13 approved the 1999 zone change that made the expansion
- of Sunshine Canyon possible. That vote was an 8-to-7
- 15 vote. And only one member of this council that voted
- 16 in the majority still sits on the council today.
- 17 In addition, the Mayor and City
- 18 Attorney are on record with their opposition. In
- 19 fact, an executive directive was issued by Mayor Hahn
- 20 to end landfilling in the City of Los Angeles by
- 21 2006. Yesterday I joined him, as he publicly
- 22 released the findings of a landfill-oversight
- 23 committee and embraced the contents of their report
- 24 that relies heavily on alternative technologies.
- 25 The City has already issued two RFPs

- 1 in support of these goals. Additionally, Congressman
- 2 Brad Sherman is on the record as is Assemblyman Keith
- 3 Richman, a noted switch from his predecessor, Tom
- 4 McClintock. And Supervisor Mike Antonovich authored
- 5 the motion that required the County to conduct a
- 6 health study.
- 7 Every elected official whose district
- 8 contains the landfill is now on record as opposing
- 9 it. That was not in the case in 1999. The pending
- 10 County health study has once again gone back to
- 11 existing statistical data.
- 12 Dr. Simon of the County Health
- 13 Department, who has designed a two-part study, seeks
- 14 to do a door-to-door study to compile new data which
- 15 can be used either to uphold or contradict the
- 16 existing statistical studies.
- 17 Additionally, working with local
- 18 elementary schools, his study will explore the
- 19 respiratory ailments of children in the community.
- 20 Dr. Simon has said, in his report, that this study
- 21 will take a few months, as he just said, to accrue
- 22 the necessary data. In the interests of the health
- 23 of my constituents, I ask you to delay this vital
- 24 decision until the data is collected and evaluated.
- 25 Additionally, Dr. Simon has said that

- 1 epidemiological studies are not the best indicators
- 2 for risk because, even if there is an increase in
- 3 certain diseases, it is difficult, if not impossible,
- 4 to prove a causal link to the landfill. He has said
- 5 that an environmental study is a more sensitive and
- 6 accurate indicator of health risk.
- 7 Next, the Board's concern for
- 8 contamination, including, but not limited to.
- 9 1,4-dioxane and e-waste components has propelled my
- 10 office to ask the technical advisory committee, as
- 11 provided in the conditions -- "Q" conditions
- 12 pertaining to the 1999 zone change, to seek testing
- 13 of pretested seepage, wastewater, leachate, and sump
- 14 water.
- 15 Our own environmental-monitoring
- 16 division, as well as two private labs, are conducting
- 17 this testing now. BFI has been required to pay for
- 18 this testing under the "Q" conditions but balked at
- 19 paying the additional money needed to have this
- 20 report done in time for this meeting.
- 21 At present, we are still awaiting the
- 22 results. I have provided you, for your perusal, all
- 23 correspondence on this matter -- and we'll present it
- 24 to you tomorrow -- as well as a list of components
- 25 for which we are testing.

- 1 The Los Angeles Bureau of Sanitation
- 2 has already tested post-treated samples and has
- 3 charted a comparison between testing done in the
- 4 past -- this past April and the most recent sampling
- 5 done in September.
- 6 The results show a dramatic increase
- 7 in total toxic organics including methyl chloride and
- 8 as well as VOCs, including acetone. There has also
- 9 been a marked increase in acid extractables such as
- 10 phenols. Methyl phenol, cadmium, chromium,
- 11 molybdenum, nickel, and zinc are up as well as
- 12 dissolved sulfide, oil, and grease.
- 13 This very Board has already issued a
- 14 cleanup and abatement order for 1,4-dioxane in the
- 15 Cityside "closed" landfill after finding evidence of
- 16 contamination of this probable human carcinogen in
- 17 on-site groundwater wells.
- 18 In addition, hydrogen sulfide has been
- 19 repeatedly found in the subdrain on the county side,
- 20 a sure indicator of a breach in the liner. Though
- 21 BFI disputes this fact, citing a lack of leachate in
- 22 the subdrain is proof of no breach, Richard Lang, the
- 23 County LEA, has said that a breach on the slope could
- 24 easily explain the lack of leachate in the subdrain
- 25 and has continually cited BFI for explosive gas

- 1 violations, saying they are unwilling to address this
- 2 problem.
- 3 BFI has been cited for violations in
- 4 areas concerned by the County LEA, City Bureau of
- 5 Sanitation, California Industrial Waste Management
- 6 Board, Department of Health Services, AQMD, State of
- 7 California Department of Recycling on over 295 times
- 8 since November of 1996 -- 27 times for explosive gas
- 9 alone.
- In addition, they've been cited for
- 11 methane gas detection, litter control, dust control,
- 12 lighting, daily cover, training, supervision, traffic
- 13 control, drainage, erosion control, stockpiling, and
- 14 hazardous-waste violations.
- There are other outstanding issues --
- 16 the outstanding issue of land use. By permitting
- 17 this landfill in both the County and the City, BFI
- 18 has been able to get away with things that would
- 19 never be permitted for the same size landfill under a
- 20 single jurisdiction.
- 21 In fact, the City of Los Angeles
- 22 called some of their own permitting into question as
- 23 well as whether BFI legally -- excuse me. In fact,
- 24 have -- permit in question as well as whether or not
- 25 BFI is legally entitled to utilize a variance issued

- 1 to reserve synthetic fuel, in 1979, to locate and
- 2 construct gas-purification plants and collection
- 3 system.
- 4 BFI relies on this variance for the
- 5 use of their sump and lateral sewer for its
- 6 wastewater discharge. In addition, the use of the
- 7 buffer zone designed to mitigate negative impacts of
- 8 landfill operations, as defined in the 1958 O'Melveny
- 9 land-use covenant that runs the land, is strictly
- 10 prohibited.
- 11 The City -- Los Angeles City Council
- 12 is asking that this variance be opened to impose
- 13 additional corrective actions deemed necessary for
- 14 the protection of the persons in the neighborhood or
- 15 occupants of adjacent residential property.
- 16 The Environmental Affairs Department
- 17 will consult on these issues, including massive
- 18 increase in both the quantity of flow of wastewater
- 19 from the landfill to the City's sewer line along
- 20 residential Sesnon Avenue and complaints to the AQMD
- 21 regarding noxious odors alleged to be caused by the
- 22 releases of wastewater.
- In addition, the Bureau of Sanitation
- 24 has cited BFI as recently as October for violating
- 25 their industrial-waste permit for pH exceedances.

- 1 Questions about sufficiency of the proposed 60-mil
- 2 GSE HDPE high-density polyethylene liner system have
- 3 prompted me to investigate this liner and its
- 4 limitations in more detail.
- 5 The Board has asked for 80-mil liner.
- 6 BFI has countered with 60-mil. I thought that the
- 7 Board would be interested in the following study,
- 8 which is in the report I'm giving you today by --
- 9 done by "Philips 66 Plastics" (phonetic), a
- 10 manufacturer of HDPE polyethylene liner.
- 11 The Philips study states that even a
- 12 100-mil liner is certify is susceptible to stress
- 13 cracks from the following food and food products:
- 14 cider; lard; margarine; vinegar; vanilla extract;
- 15 even common household toiletries and pharmaceutical
- 16 products like shampoo, hand lotion, iodine, nail
- 17 polish, detergents, shaving lotions, shoe polish --
- 18 both liquid and paste, soap, liquid wax, shellac,
- 19 ethyl alcohol or liquor. All cause stress cracks,
- 20 embrittlement, softening, and deformation of the
- 21 liners.
- In addition, common oils such as
- 23 castor oil, mineral oil, vegetable oil, pine oil also
- 24 caused stress cracking. Most noticeably, several
- 25 common chemicals can actually permeate HDPE,

- 1 including nail polish, lighter fluid, shoe polish,
- 2 turpentine.
- 3 Orange peppermint -- orange,
- 4 peppermint, and pine oil can also permeate 100-
- 5 millimeter liners. I have supplied copies of this
- 6 study for your perusal as well as samples of the 60-
- 7 and 80-mil liners from the same manufacturer that BFI
- 8 uses.
- 9 Incidentally, BFI only checks 7 of
- 10 200 -- of every 200 loads. I can guarantee you that
- 11 most of these items get through their ridiculously
- 12 weak monitoring system as we stand here today. And
- 13 as a side note -- I just want to show you this -- as
- 14 a side note, a simple staple punctures their liner.
- 15 Can you imagine the value of this
- 16 liner and compare it with hundreds of tons of trash
- 17 that sit on top of it, if you have broken bottles or
- 18 other things that might puncture it?
- 19 Since our existing standards only
- 20 require liner for 6- or 12-inch displacement and our
- 21 Northridge earthquake caused 18 inches in some
- 22 locations, I can tell you -- and I'm going to read
- 23 off the record for moment -- that, in 1994 on
- 24 January 6, there was not one seismologist or
- 25 geologist in the State of California that knew that

- 1 that stress fault existed in Northridge.
- 2 And they say to you that this whole
- 3 region lifted. But you know, when you lift a region,
- 4 it fractures somewhere. Somewhere it breaks. In
- 5 1994, it broke in Northridge, a place that nobody
- 6 knew that land -- that a fault existed. And I can
- 7 tell you 23 people that died in the Northridge
- 8 Meadows won't accept their explanation.
- 9 I've covered a lot of information
- 10 today. And I appreciate your kind attention. These
- 11 are vital matters. In the past, this Board has not
- 12 taken action when there were unanswered questions of
- 13 safety or outstanding issues of propriety.
- I implore you to use the full weight
- 15 of your position to protect the citizens of
- 16 Los Angeles and the surrounding regions from the
- 17 proven environmental dangers of this landfill.
- I ask you to delay your decision, once
- 19 again, regarding the WDRs until, one, the County
- 20 health study is completed; Number 2, the City of Los
- 21 Angeles is able to analyze the contents of leachate,
- 22 seepage, and water -- wastewater for hazardous
- 23 chemicals including 1,4-dioxane and e-waste
- 24 components; and, three, the necessary permitting and
- 25 land-use issues with the City of L.A. are settled.

- 1 Doing so sends a strong message that
- 2 the quality of the environment and particularly the
- 3 water supply of the region are more important to you
- 4 than the ability of BFI to sacrifice these things in
- 5 the name of cheap waste disposal. Thank you very
- 6 much.
- 7 CHAIR CLOKE: Councilmember? Councilmember?
- 8 Can you come back to the podium for one second,
- 9 please? Are the "Q"-condition investigations going
- 10 on now?
- 11 COUNCILMEMBER SMITH: Yes. They're going to
- 12 do it in the council. It will be before the "plum"
- 13 (phonetic) committee within the next probably month
- 14 and a half, two months, in public works, my
- 15 committee.
- 16 CHAIR CLOKE: And so when would you expect to
- 17 have an answer to that?
- 18 COUNCILMEMBER SMITH: By the first of the
- 19 year, maybe late in January.
- 20 CHAIR CLOKE: And so are you anticipating that
- 21 the "Q" -- that, if the answer comes back as you
- 22 expect, that that would be the beginning of
- 23 revocation hearings?
- 24 COUNCILMEMBER SMITH: That would be a possible
- 25 revocation, or it could be additional "Q" conditions.

- 1 If it comes back that the legal opinion is they have
- 2 violated the zoning conditions, then there will be
- 3 additional hearings required at that point; and that
- 4 will add maybe as much as three more months at that
- 5 point.
- 6 CHAIR CLOKE: Thank you, Councilman.
- 7 COUNCILMEMBER SMITH: Thank you very much.
- 8 CHAIR CLOKE: Thank you.
- 9 Are there other questions?
- 10 Okay. Mr. Haueter from Supervisor
- 11 Antonovich's office.
- 12 Ladies and gentlemen, if you could put
- 13 your signs down -- we need to be able to see the
- 14 audience. And they need to be able to see past you.
- 15 Thank you.
- MR. HAUETER: Thank you, Madam Chair.
- 17 CHAIR CLOKE: Thank you for staying so long.
- 18 MR. HAUETER: Well, in the interest of brevity
- 19 here -- I know that a lot of people want to speak --
- 20 I have nothing new to add. I'm just here to answer
- 21 additional questions or if there's any concerns or
- 22 comments from the Board.
- 23 The Supervisor's position was stated
- 24 last time. He was the author of the motion to
- 25 conduct a health study. And I'll let the record

- 1 stand on what we said the last time.
- 2 CHAIR CLOKE: Thank you.
- 3 MR. HAUETER: And I'll stay as long as I can.
- 4 CHAIR CLOKE: Thank you. I really appreciate
- 5 it.
- 6 Mr. Williams from Mayor Hahn's office.
- 7 MR. WILLIAMS: Thank you, Madam Chair, Members
- 8 of the Commission. I know that the hour is late.
- 9 And if I can quote Liz Taylor to her fourth, fifth,
- 10 and sixth husbands -- "I won't keep you long."
- I have a brief statement here on
- 12 behalf of the Mayor. And I'll be available for a few
- 13 moments to answer any questions that -- you all may
- 14 have additional questions.
- 15 "Dear Members of the Regional Water
- 16 Quality Control Board: I want to thank you for your
- 17 continued vigilance to ensure that all precautions
- 18 are taken as you consider the Waste Discharge
- 19 Requirements for the proposed expansion of the
- 20 Sunshine Canyon Landfill to the City of Los Angeles.
- 21 "As Mayor, I have the responsibility
- 22 to ensure the public health and environmental
- 23 integrity of the City. I know that you too share the
- 24 same responsibility. As you know, I'm opposed to the
- 25 expansion of the landfill into the City of Los

- 1 Angeles. And I intend to continue the current
- 2 contract with the City" -- I'm sorry -- "discontinue
- 3 the current contract with the City when the City --
- 4 when it is available for renewal in June of 2006.
- 5 "In preparation for this" -- as
- 6 Councilman Smith indicated earlier -- "my
- 7 administration is taking active measures to ensure
- 8 the trash will no longer be disposed of at landfills
- 9 in the City of Los Angeles.
- 10 "Yesterday I stood with members of the
- 11 Los Angeles City Council and released the final
- 12 report of the Landfill Oversight Committee that I
- 13 appointed in June, 2002.
- "This committee, which was composed of
- 15 citizens from areas neighboring landfills, proposed a
- 16 framework that will enable us to file alternatives to
- 17 keeping the status quo of continuing to landfill. As
- 18 partly released in the report, I took a number of
- 19 steps to curb the need to landfill."
- 20 First, the Mayor asked that each City
- 21 department establish a plan and schedule where they
- 22 could achieve a 70 percent diversion rate by the year
- 23 2020. The Mayor also made a point of asking the
- 24 airport and the convention center, both known for
- 25 producing mounds and mounds of waste, to redouble

- 1 their efforts in this regard.
- 2 Secondly, he asked the Bureau of
- 3 Sanitation to examine the feasibility of requiring
- 4 recycling from transfer stations and private haulers
- 5 within our city.
- 6 Finally, he also announced that the
- 7 City will soon be implementing a pilot project, which
- 8 will pick up recyclables at large apartment complexes
- 9 within the city that do not currently have that
- 10 service.
- 11 He also announced that the City would
- 12 soon have a consultant to help determine which
- 13 alternative technologies could be integrated into our
- 14 waste stream.
- "So we're on the right track. And we
- 16 intend to be free of landfills within our City, yet
- 17 still meet our goals. Our work thus far has shown us
- 18 that this is a very feasible concept."
- 19 Yesterday the Mayor and members of the
- 20 City Council took significant steps in that
- 21 direction.
- "We know that there are not going to
- 23 be any easy solutions, but we want to have real
- 24 solutions. Sincerely, the Mayor of the City of
- 25 Los Angeles."

- 1 I'd just like to add two things.
- 2 There were lots of questions raised today by the
- 3 medical experts that spoke. There's going to be lots
- 4 of emotion. There's going to be somewhat of a
- 5 political ballyhoo about this subject. But the real
- 6 question that ultimately has to be answered is this:
- 7 "Is it safe?"
- 8 That has to be the resounding theme
- 9 through all the discussions. "Is it safe? Can they
- 10 make it safe? What effect will it have upon the
- 11 residents in that neighborhood?"
- 12 I think the answer is a resounding,
- 13 "No." We haven't shown that it can be safe. It
- 14 simply hasn't been shown.
- We thank you for your time. And,
- 16 again, if you have any questions, I'll be happy to
- 17 answer them for you.
- 18 CHAIR CLOKE: Thank you, Mr. Williams. Mr.
- 19 Pak has a question for you.
- 20 MR. PAK: Mr. Williams, thank you for coming
- 21 out. And I don't know if I can top your opening
- 22 line, but I think what's important here today and
- 23 what I'm hearing from the Mayor's office and
- 24 certainly from the Councilman was, you know, this
- 25 Board's emphasis has always been on safety and it's

- 1 been an emphasis on clean water.
- 2 That is one of the first times that
- 3 I'm hearing really from the City of L.A. that you're
- 4 actually doing more testing, more monitoring. And so
- 5 I wish that this will continue into the future
- 6 because I think this is a great dialogue from which
- 7 we can start to look at some other issues that we're
- 8 dealing with, in the City of L.A., particularly
- 9 sanitation.
- 10 And so I want to thank you for coming
- 11 out and sharing these thoughts. And if you relay
- 12 back to the Mayor that his prudence and his looking
- 13 into this matter in a depth that we've always had
- 14 here on the Board is certainly appreciated.
- MR. WILLIAMS: Thank you very much.
- Any further questions?
- 17 CHAIR CLOKE: Thank you. Thank you, Mr.
- 18 Williams.
- 19 MR. WILLIAMS: All right. Thank you.
- 20 CHAIR CLOKE: Mr. Parks? Representing
- 21 Councilmember -- and you are the son of Councilmember
- 22 Parks?
- 23 MR. PARKS: And his director of
- 24 communications.
- 25 CHAIR CLOKE: And his director of

- 1 communications. Okay.
- 2 MR. PARKS: Correct.
- 3 CHAIR CLOKE: You represent Councilmembers
- 4 Parks, Miscikowski, Perry, and Reyes.
- 5 MR. PARKS: Good evening, Madam Chair and
- 6 Board Members. I have a letter here from
- 7 Councilmembers Parks, Miscikowski, Perry, and Reyes.
- 8 And I realize you have that letter already. I just
- 9 would like to read it in the record really quickly.
- 10 "Honorable Board Members: As members
- 11 of the Los Angeles City Council, we urge that your
- 12 Board approve the pending application of Brown-Ferris
- 13 Industries of California, Incorporated, for Waste
- 14 Discharge Requirements for the expansion of Sunshine
- 15 Canyon Landfill, which is scheduled to be heard and
- 16 decided by your Board on November 6, 2003.
- 17 "By its approval of the general plan
- 18 amendment and zone change in December, 1999, the City
- 19 of Los Angeles authorized the extension of
- 20 landfilling back into the City portion of Sunshine
- 21 Canyon, where the landfilling had occurred over 30
- 22 years.
- 23 "The decision was reached after
- 24 extensive, detailed environmental review and
- 25 ultimately conditioned with vigorous controls to

- 1 ensure environmental and health safety in its
- 2 operation and oversight.
- 3 "The City Council made specific
- 4 findings that the Sunshine Canyon Landfill is an
- 5 environmentally sound, cost-effective means of
- 6 providing long-term, solid-waste disposal capacity
- 7 for the residents of Los Angeles.
- 8 "At the same time, the City committed
- 9 to the use of a 10" -- I'm sorry -- "a tentative fuel
- 10 for its own sanitation trucks and significant efforts
- 11 to reduce its solid waste stream and future
- 12 dependency on landfills.
- "Now, nearly 4 years later and after
- 14 approval from every other related public agency with
- 15 permanent authority oversight, including many State
- 16 and County agencies, the need for Sunshine Canyon is
- 17 even more critical. In fact, the City Bureau of
- 18 Sanitation relies upon Sunshine Canyon Landfill for
- 19 the disposal of up to 3,700 tons each day --
- 20 virtually all of the City's nonrecyclable waste.
- 21 "Additionally, private hauling of
- 22 trash from the business and multiple residential
- 23 dwellings throughout the entire city and region also
- 24 depend on this resource. I urge you to provide one
- 25 of the last remaining entitlements necessary for BFI

- 1 to continue the operation of this much-needed public
- 2 resource -- these much-needed public resources.
- 3 "Sincerely, Councilmembers Bernard
- 4 Parks, Ed Reyes, Cindy Miscikowski, and Jan Perry."
- 5 Thank you very much.
- 6 CHAIR CLOKE: Thank you, Mr. Parks.
- 7 Audience. Audience. I won't allow
- 8 that. We will have no booing or hissing in this
- 9 room. None. And you will be asked to leave if you
- 10 continue to do so. Everybody is entitled to their
- 11 opinion. And everybody has a right to express it in
- 12 public. This is a public, government agency. We
- 13 live in a democracy.
- 14 Mr. Washburn, representing Assemblyman
- 15 Richman.
- MR. WASHBURN: Thank you very much.
- 17 Dr. Richman has spoken in opposition
- 18 before to the facility. And I just had a quick
- 19 letter I would like to read into the record.
- 20 "To the Members of the Board: As a
- 21 medical doctor and the legislator who represents the
- 22 Granada Hills community in the California State
- 23 Assembly, I continue my opposition to the proposed
- 24 expansion of the BFI landfill in the City of
- 25 Los Angeles.

- 1 "The expansion, as per the testimony
- 2 at the September 11 hearing, could possibly present a
- 3 real health-care threat to the residents living near
- 4 the facility. Dr. Paul Simon, of the Los Angeles
- 5 County Health Department, stated at your September
- 6 hearing that an environmental study is a much more
- 7 reliable indicator of potential health risk than
- 8 other types of studies.
- 9 "Prior to a final decision, I would
- 10 urge that a comprehensive environmental study be
- 11 conducted of the site. The danger to the community
- 12 must be measured in the most accurate way possible.
- 13 Chemical leaks, for example, can potentially permeate
- 14 the landfill liner and pose a threat to the large
- 15 water supply located near the BFI landfills" -- as
- 16 illustrated today by Councilman Smith.
- "In addition to the health-care
- 18 concerns and the threat to the water supply, there's
- 19 a diminution of the quantity of life in the Granada
- 20 Hills area. I urge that the permit be denied."
- 21 This, again, was written by
- 22 Dr. Richman -- and I'll submit this for the record --
- 23 who is a physician. And we do represent the area.
- 24 And we thank you very much for your time.
- 25 CHAIR CLOKE: Thank you, sir.

- 1 MR. WASHBURN: Who do I give my letter to?
- 2 CHAIR CLOKE: Pardon me?
- 3 MR. WASHBURN: Who do I give this to?
- 4 CHAIR CLOKE: Mrs. Harris will take it from
- 5 you.
- 6 MR. WASHBURN: Thank you.
- 7 Mr. Kracov, please -- from the City
- 8 Attorney's office in the City of Los Angeles.
- 9 MR. KRACOV: Board Members, Gideon Kracov,
- 10 with the L.A. City Attorney's office -- City Attorney
- 11 Delgadillo. We've been here each time before you to
- 12 tell you that the City Attorney opposes the expansion
- 13 of this landfill.
- 14 There's no dispute that Sunshine
- 15 Canyon Landfill has affected the surrounding
- 16 environment. We know that VOCs are present in the
- 17 water collected in Sunshine Canyon County landfill
- 18 subdrain and in Groundwater Monitoring Well 10.
- 19 Already community members complain of
- 20 odors they link to sewer discharges from the
- 21 landfill. These discharges increased dramatically in
- 22 the last year and will go up, likely, each year that
- 23 the County and City landfills accept trash.
- 24 The sewer runs through a buffer zone
- 25 created in 1958 that prohibits cut-and-fill

- 1 operations and then through Sesnon Boulevard in
- 2 Granada Hills. It's because of these other issues
- 3 that the City Attorney believes that Sunshine Canyon
- 4 simply is not an appropriate place for a landfill.
- 5 We wish to raise three specific issues
- 6 today. It will be short.
- 7 The first: The Board should defer
- 8 consideration of the permit until the ongoing health
- 9 study of Granada Hills community is completed. The
- 10 study will analyze whether the landfill operations
- 11 negatively affect the health of adjacent residents.
- 12 The study's an essential response to the concerns of
- 13 the community here today about the presence of the
- 14 landfill.
- 15 Secondly, this Board must perform
- 16 independent testing and quality assurance of the
- 17 groundwater-extraction trench and proposed cutoff
- 18 wall. These measures are absolutely critical to stop
- 19 groundwater contamination from exiting the site. And
- 20 they must work perfectly when needed, even if for our
- 21 children's generation.
- The Board must ensure that the trench
- 23 system and cutoff wall are built with the best
- 24 technology.
- 25 Third, the City Attorney strongly

- 1 recommends that plan to create a new leachate-
- 2 treatment facility and sewer line along
- 3 nonresidential San Fernando Road be expedited to
- 4 decrease possible sewer impacts on the community.
- 5 Thank you for letting us provide these
- 6 comments. The City Attorney looks forward to working
- 7 with you, the community, and other elected officials
- 8 to ensure a just and environmentally protective
- 9 outcome at Sunshine Canyon. Thank you.
- 10 CHAIR CLOKE: Thank you, Mr. Kracov.
- 11 Mr. Nahai has a question for you.
- MR. KRACOV: Thank you.
- MR. NAHAI: Thank you for coming, again, on
- 14 behalf of the City Attorney's office.
- But, you know, some of us on the
- 16 Board, you know, feel that the City of L.A., having
- 17 issued the various permits to BFI, now appears before
- 18 this Board urging that this really final permit be
- 19 denied.
- 20 Today, I think for the first time, we
- 21 heard Councilmember Smith talk about concrete steps
- 22 that the City might take in order to back up the
- 23 position that it is now advocating in front of this
- 24 Board -- namely, possibly opening the variance;
- 25 looking at the possibility of revocation hearings;

- 1 and so on.
- 2 My question to you, more as a lawyer
- 3 actually, is what is it that the City can do and what
- 4 is it that the City Attorney's office intends to do
- 5 to perhaps support the position that's being taken
- 6 here in more concrete ways rather than just urging
- 7 this Board to defer action or to issue a negative
- 8 decision in this matter?
- 9 MR. KRACOV: Thank you for your question,
- 10 Mr. Nahai. The City Attorney is both an elected
- 11 official representing the residents of the city as
- 12 well as an advisor to the City departments, the City
- 13 Council, the Mayor's office.
- 14 The City Attorney wants to work as
- 15 part of a team with the Mayor's office and Councilman
- 16 Smith, who I think is still here, to try to address
- 17 these issues.
- I think that there are three primary
- 19 areas that we're going to try to address.
- The first is there was a motion
- 21 introduced -- I believe on Tuesday -- to look at the
- 22 sewer system, to look at the legal entitlement for
- 23 the sewer system in the area where it is, to
- 24 determine whether it is a -- has a vested right to be
- 25 in that area, and whether the variance that allegedly

- 1 allowed that sewer line can be strengthened to better
- 2 protect the community.
- Now, I can't, sitting here today or
- 4 standing here today, tell you what the outcome of
- 5 that investigation is going to be. But it is
- 6 going --
- 7 MR. NAHAI: I'm not expecting that at all.
- 8 MR. KRACOV: But it is going to be
- 9 investigated. And in our advisory role, we are going
- 10 to be there for staff, the City Councilmen, the staff
- 11 of the Planning Department to try to come to a
- 12 resolution.
- The second issue is with regard to
- 14 what Mr. Williams talked to you about today -- about
- 15 trying to find other alternatives for waste disposal
- 16 within the city. There's no doubt that that is a
- 17 serious challenge for the City. It's a serious
- 18 challenge for this State.
- 19 But the City Attorney is ready in
- 20 its -- in the role of an advisor to find all options
- 21 within law and regulation that allow us to do that,
- 22 whether it is through alternative technologies or
- 23 whether it is through disposing of the trash in other
- 24 jurisdictions.
- I think the third, and final, thing I

- 1 would like to bring to your attention is ongoing
- 2 investigations through the "Q" conditions, which are
- 3 the conditions that were imposed on the landfill,
- 4 pursuant to the approvals in 1999, that allows a
- 5 technical advisory committee to study different
- 6 issues at the landfill.
- 7 And currently there is a study going
- 8 on, led by the councilman for the district -- Greig
- 9 Smith -- to specifically characterize and investigate
- 10 what is coming out of the County side.
- 11 The way that it works is that the
- 12 leachate comes from the County side, is treated at
- 13 leachate-treatment plant, piped all the way to the
- 14 City side to this buffer zone, and then to the City
- 15 sewers.
- 16 What we really are starting to
- 17 investigate is what are the constituents and the
- 18 characterization of that discharge, to look at the
- 19 e-waste, to look at 1,4-dioxane, to make sure that we
- 20 are looking for the most state-of-the-art
- 21 contaminants, and to be sure that we know what's
- 22 going into our sewer systems and that we know what's
- 23 coming out of that landfill.
- We are there, in our City Attorney
- 25 role, to try to make sure that that process goes as

- 1 quickly as possible and that we get to the bottom of
- 2 it.
- 3 So those are the three issues. The
- 4 City Attorney is committed to trying to find
- 5 creative solutions. We want to be there in our
- 6 enforcement role, our advisory capacity. Those are
- 7 the three things on the agenda for us right now. We
- 8 have our hands full with it.
- 9 But we are committed to doing things
- 10 other than just coming to these meetings every month.
- 11 We are working in the interim on Sunshine Canyon.
- MR. NAHAI: Thank you.
- MS. BUCKNER-LEVY: If I could --
- 14 CHAIR CLOKE: Please.
- MS. BUCKNER-LEVY: I'm sorry. I believe it's
- 16 on now.
- 17 You spoke a little bit about the
- 18 additional testing. And David had asked and I really
- 19 would like to get, on the record from you, a comment
- 20 about revocation, which is the first that we've heard
- 21 of it here, over the course of the last several
- 22 months when we've been hearing this issue, and was
- 23 hoping that you might be able to enlighten us a
- 24 little bit about that potential.
- 25 MR. KRACOV: Revocation certainly is one of

- 1 the options. It's an issue that we have investigated
- 2 in an attorney-client relationship with our City and
- 3 City Council. It is one of the things that are on
- 4 the table.
- 5 There are certain requirements
- 6 pursuant to the Municipal Code concerning revocation
- 7 of general plan amendments and variances. There are
- 8 certain findings that will have to be made. There
- 9 are certain due process rights that would be
- 10 available to any applicant, any landowner in the city
- 11 when you're talking about these kinds of things.
- I can't respond to the hypothetical.
- 13 We have to make the findings first. Certainly it is
- 14 not an easy process. But it is one of the things
- 15 that's going to be on the table. We want to go
- 16 through the necessary steps, take it one step at a
- 17 time.
- 18 But I think it is fair to state that
- 19 it is one of the options, if the evidence and the
- 20 findings are appropriate in the circumstances. I'm
- 21 sorry to talk like a lawyer, but that's what I am.
- MS. BUCKNER-LEVY: I don't -- I don't --
- 23 that's okay. I'm used to it. And I don't mean to
- 24 put you on the spot. And maybe this is something
- 25 that Councilmember Smith and perhaps some of the

- 1 other representative council -- and I don't intend,
- 2 mean to -- intend to put you on the spot.
- 3 But it's news -- it's news to us. And
- 4 as well as Chris mentioned to Mr. Williams, "further
- 5 investigation, " which is -- this is all news to us.
- 6 So, you know, it might be helpful to
- 7 hear a little bit more about that because for many,
- 8 many months, you know -- and I've talked about this a
- 9 little bit in previous sessions -- for many months,
- 10 this Board has been essentially holding up this very
- 11 narrow permit in a battery of regulations and permits
- 12 that BFI or any landfill operator would have -- would
- 13 be subject to, to do business.
- 14 And, you know, we've been hearing from
- 15 city council members, from the City Attorney, from
- 16 the Mayor on "Please deny it," or "Please defer it."
- 17 And this is the first we're hearing about actions,
- 18 proactive steps that the City might be willing to
- 19 take to investigate the safety -- the health and
- 20 safety implications on the community.
- 21 And so we're trying to do our level
- 22 best in looking at the very narrow water-quality
- 23 issue.
- 24 And it's just -- it's very helpful for
- 25 us to hear today not only the testimony of the health

- 1 experts but some of the folks from the City to let us
- 2 know there are other possibilities on the horizon so
- 3 that this community who's here today can really
- 4 understand what's going on in their own backyards.
- 5 MR. PAK: I have a question. I'm following up
- 6 on that revocation. Have you -- has the City
- 7 Attorney's office or the zoning administrators or
- 8 chief zoning administrators looked at the case and
- 9 have gone back to you and said, "Yeah. There is a --
- 10 there is a violation of the conditions that can put
- 11 it into a revocation"? Or have you not even gone
- 12 that far yet?
- MR. KRACOV: I think it's accurate to say that
- 14 we are investigating -- I identified three things
- 15 that we are working on in our office, in response to
- 16 Mr. Nahai's question. The first had to do with the
- 17 sewer system located in this buffer area.
- MR. PAK: Yeah. Yeah. Yeah. But the
- 19 revocation part.
- 20 MR. KRACOV: Right. The answer to your
- 21 question, Board Member Pak, is that we must look. We
- 22 must investigate. We must have the evidence. We are
- 23 in that process right now.
- 24 There was a motion that was introduced
- 25 on the sewer issue just on Tuesday. And that took

- 1 some investigation, I think, even to get to that
- 2 stage. If, under the circumstances, we find the
- 3 right evidence and there are appropriate findings
- 4 made, that could be one of the things that's on the
- 5 table.
- 6 VICE-CHAIR DIAMOND: Can I ask a question? I
- 7 apologize. I had to be out of the room for a minute
- 8 when you started.
- 9 But one of things that was mentioned
- 10 earlier by one of the other public officials was that
- 11 the City of Los Angeles would be analyzing the
- 12 leachate. And perhaps that will be some information
- 13 that you will be looking at as you go through this
- 14 process that we're talking about right now -- the
- 15 potential revocation.
- 16 What -- when do you think this
- 17 analysis of leachate would begin? Is there -- do you
- 18 have -- do you know? Is that something you can
- 19 answer?
- 20 MR. KRACOV: That's not a question that I can
- 21 answer. Perhaps the Councilman, who is leading the
- 22 effort on that, can respond.
- 23 VICE-CHAIR DIAMOND: If anybody -- if
- 24 Mr. Smith or if anyone else knows when that analysis
- 25 will be happening, if that is something that -- that

- 1 would be information that would be helpful to us in
- 2 making our decision. If there's an ongoing analysis
- 3 of the leachate which will be informative to us on
- 4 water quality, that would be important for us to know
- 5 that.
- 6 COUNCILMEMBER SMITH: Yeah. In the package
- 7 you'll receive tomorrow will be a long list of
- 8 constituents we are testing for. The water samples
- 9 have been taken. They've been sent to the lab.
- 10 There's three different labs looking at it. I would
- 11 presume we're talking three -- three, four weeks,
- 12 maybe, till we see some numbers back but --
- 13 VICE-CHAIR DIAMOND: So this process is
- 14 something that will be happening in the very near
- 15 future?
- 16 COUNCILMEMBER SMITH: It's in the process now.
- 17 VICE-CHAIR DIAMOND: It's in process?
- 18 COUNCILMEMBER SMITH: Yeah.
- 19 VICE-CHAIR DIAMOND: Thank you.
- 20 CHAIR CLOKE: Okay. Are there any other
- 21 questions for Mr. Kracov?
- Thank you, sir.
- MR. KRACOV: Thank you.
- 24 CHAIR CLOKE: I have just been asked to
- 25 announce that, in five minutes, the bus will be

- leaving -- is that correct? -- in five minutes?
- 2 MR. CAIN: That's correct.
- 3 CHAIR CLOKE: Pardon me? I'm sorry.
- 4 AUDIENCE MEMBER: We have two buses. If some
- 5 people can't stay, if they have to go, one of the
- 6 buses will be leaving from out front at 5:30. So if
- 7 you can't stay and you need to go, the bus will be
- 8 there for you. Otherwise we're in here.
- 9 CHAIR CLOKE: Thank you.
- 10 If you are one of the people -- could
- 11 I have your attention for a minute, please? If you
- 12 are one of the people preparing to leave and you are
- 13 here as a valley resident in opposition to the
- 14 landfill, please briefly stand so that we can at
- 15 least see you.
- 16 (Some members of the audience stand.)
- 17 CHAIR CLOKE: Okay. So we thank you very much
- 18 for -- we appreciate your taking the time to be down
- 19 here today. And we understand that you need to go
- 20 home. But we wanted to at least have the record show
- 21 how many people were here in opposition. If you want
- 22 to leave your yellow -- put your names on them and
- 23 give your yellow cards to Miss Harris or to Mr. Cain
- 24 over here, then we can put your name into the record
- 25 as well.

- 1 Mr. Cain, would you raise your hand so
- 2 people can see you if they want to do that.
- I'd like to now ask the councilmember
- 4 from the City of El Segundo -- Councilmember
- 5 McDowell -- if he could come to the podium.
- 6 COUNCILMEMBER McDOWELL: Thank you, Madam
- 7 Chair, Members of the Board.
- 8 First, let me apologize. Unlike
- 9 Councilman Smith, I haven't had a chance to clean out
- 10 my cupboards. But it's important to remember, when
- 11 making this decision, that granting this permit is
- 12 significantly important to the region as a whole.
- 13 The cities of the South Bay, where my
- 14 city is, dispose of more than 5,500 tons of refuse
- 15 per month at Sunshine Canyon. Without needed
- 16 expansion, the Sunshine Canyon Landfill will soon be
- 17 out of capacity, capacity which is needed to meet the
- 18 requirements of AB 939, by example.
- 19 A loss of local landfill capacity
- 20 could mean a significant increase in costs countywide
- 21 as well. And that would affect everybody. Sunshine
- 22 Canyon has fewer environmental impacts and is the
- 23 lowest-cost option as compared to alternatives.
- 24 And without expansion, a significant
- 25 portion of the refuse from the South Bay would need

- 1 to be sent to transfer stations, transfer stations
- 2 that would need to built in the South Bay and then
- 3 transported to other landfills by truck or rail,
- 4 increasing both environmental costs and monetary
- 5 costs to business and residents.
- 6 Sunshine Canyon is the most logical
- 7 solution to the shortage of landfill capacity facing
- 8 our area. And its rates are among the lowest, saving
- 9 money for both business and residents. And I urge
- 10 you to support BFI's position.
- 11 CHAIR CLOKE: Thank you, Councilmember. And
- 12 thank you for staying. I appreciate that.
- Okay. We're now -- I'm now going to
- 14 go through the cards if you -- oh, okay.
- Dr. Cozen, are you -- Miss Buckner has
- 16 a question for you before you leave.
- MS. BUCKNER-LEVY: And I -- I'll be very
- 18 brief. When -- I know you're looking at census
- 19 tracts. And I know sometimes -- I mean you cautioned
- 20 us on this -- that census tracts don't necessarily --
- 21 aren't necessarily an adequate or accurate measure of
- 22 what's going on in a population.
- But I want to be sure also that those
- 24 census tracts that you had in that -- that you had
- 25 comfort in knowing that all of the ZIP codes and

- 1 precincts within those ZIP codes were counted in such
- 2 a way that you could be making the extrapolations
- 3 that you've made, based on the data that you have.
- 4 DR. COZEN: Okay. I'll repeat the question so
- 5 people can hear. You're concerned that, because I
- 6 mentioned the inaccuracy of the census, that we're
- 7 counting the population in the most accurate way.
- 8 ZIP codes are actually much larger
- 9 than census tracts, and I don't know that -- I don't
- 10 know anything about precincts. I don't know how
- 11 they're counted.
- 12 But census tracts are the smallest
- 13 unit we can actually use. And for estimates, they're
- 14 okay. For magnitudes of the kind that we're looking
- 15 for when we look for excess risk, they're adequate.
- 16 For very tiny increases in risks, it's hard to say.
- 17 They're probably not.
- But, yes, in terms of that, we try to
- 19 do -- and, in fact, we go beyond. And we do special
- 20 extrapolations so that we don't just have the census
- 21 for 1990 and 2000. We look at the Department of
- 22 Finance and make our own extrapolations on a census-
- 23 tract-specific basis.
- So we do try to go the extra mile to
- 25 make sure they're as accurate as possible.

- 1 MS. BUCKNER-LEVY: And because of the
- 2 limitations of census tract analysis, I'm wondering
- 3 if you are going to be looking at all at the door-
- 4 to-door questionnaires, the surveys that the County
- 5 will be walking --
- 6 DR. COZEN: Yeah.
- 7 MS. BUCKNER-LEVY: -- because I'd be
- 8 interested in your thoughts on that.
- 9 DR. COZEN: The difficulty with that, with
- 10 respect to cancer, is that there's no denominator.
- 11 And so you have the numerator. But it's hard to make
- 12 a rate because you don't have the denominator.
- Dr. Simon and I talked about this
- 14 problem. We thought what we could at least do was
- 15 look at -- make sure, A, that most of the cancer,
- 16 newly diagnosed cancers or cancers among residents
- 17 living in those communities were actually collected
- 18 and identified by the Cancer Registry, which will
- 19 help allay some of the concerns.
- 20 And the second thing is more to look
- 21 at the patterns.
- So in other words, if one type of
- 23 cancer is -- seems to be in excess in the
- 24 distribution -- for example, if they find many, many,
- 25 many bladder cancers and not much else or something

- 1 like that in the random survey -- then we might try
- 2 to figure out how to investigate further, although
- 3 it's kind of hard to figure out how we would do that
- 4 because the census tract, as I said, is the smallest
- 5 unit.
- 6 So really we're looking at the
- 7 distribution of cases. And that's how we plan to use
- 8 it.
- 9 MS. BUCKNER-LEVY: Okay.
- DR. COZEN: We've talked about that.
- MS. BUCKNER-LEVY: Thank you --
- DR. COZEN: Sure.
- MS. BUCKNER-LEVY: -- for staying.
- DR. COZEN: Any other questions?
- Thank you very much.
- 16 CHAIR CLOKE: Thank you, Dr. Cozen.
- 17 Our last public official
- 18 representative is Mr. Munn from Supervisor Don
- 19 Knabe's office.
- 20 MR. MUNN: Good afternoon. My name is
- 21 Christopher Munn, on behalf of Supervisor Don Knabe.
- 22 I'd like to read in a letter for the record that he
- 23 submitted earlier.
- "Madam Chairman, Members of the Board:
- 25 I'm writing to express my support for the approval of

- 1 the pending regional water quality permit for the
- 2 City of Los Angeles's expansion of the Sunshine
- 3 Canyon landfill.
- 4 "The expansion of the landfill into
- 5 the City is critical to allow the City and County of
- 6 Los Angeles to meet its short- and long-term disposal
- 7 needs and to comply with AB 939 requirements.
- 8 "The existing County portion of the
- 9 landfill reaches its daily capacity earlier and
- 10 earlier each day. And the City of Los Angeles's
- 11 dependency on the County landfill is growing.
- 12 "After exhaustive public testimony and
- 13 extensive environmental review, including an
- 14 unsuccessful legal challenge to the environmental
- 15 documents prepared for the expanded landfill, the
- 16 City and County land-use approvals for the landfill
- 17 are final.
- 18 "Environmental systems of the Sunshine
- 19 Canyon Landfill fully comply with all state and
- 20 federal standards. The effectiveness of the systems
- 21 have been challenged in court and, in every instance,
- 22 have been upheld as meeting the strict state and
- 23 federal standards.
- 24 "I voted for the expansion of the
- 25 Puente Hills landfill, which is in my district,

- 1 because the greater Los Angeles area is facing a
- 2 severe waste-disposal crisis. Additional landfill
- 3 capacity is essential to meet the growing demands of
- 4 the City and County of Los Angeles.
- 5 "The City of Los Angeles generates
- 6 over 12,000 tons per day of solid waste and must do
- 7 its part to ensure adequate landfill capacity is
- 8 available for its residents and businesses. The City
- 9 landfill has its land-use entitlements and is within
- 10 the 'waste shed' area for the population it serves,
- 11 making it an ideal site for additional waste disposal
- 12 capacity.
- "I strongly urge the Regional Water
- 14 Quality Control Board to approve this permit to allow
- 15 for much-needed landfill capacity for the City and
- 16 County of Los Angeles. Respectfully, Don Knabe,
- 17 Chairman Pro Tem, Board of Supervisors."
- 18 CHAIR CLOKE: Thank you, Mr. Munn. We
- 19 appreciate it.
- 20 Could you give a copy of your letter
- 21 to Miss Harris?
- MR. MUNN: Yes, ma'am.
- 23 CHAIR CLOKE: Thank you so much.
- 24 Are there any questions for Mr. Munn?
- 25 No.

- 1 MR. MUNN: Thank you.
- 2 CHAIR CLOKE: Thank you, sir. Thank you for
- 3 staying.
- 4 Mr. Edwards. Mr. Edwards, during the
- 5 intervening time, were you able to --
- 6 MR. EDWARDS: Shorten our presentation?
- 7 CHAIR CLOKE: Yes. Were you? I'm -- I'll
- 8 tell you what our problem is. We're going to lose
- 9 our quorum at a certain point. And I, you know, was
- 10 hoping that we could -- I can't even promise that
- 11 we're going to have a quorum to make a decision. But
- 12 I've been pushing pretty hard to try to get us in
- 13 that direction.
- MR. EDWARDS: No. And we appreciate that. We
- do have a presentation where we touch upon some of
- 16 the things that have been brought up today; so we'll
- 17 move as quickly as we can through those items.
- 18 CHAIR CLOKE: Okay. I appreciate it.
- 19 MR. EDWARDS: Okay. Again, Madam Chair,
- 20 again, we appreciate the opportunity to come and
- 21 present the merits of our project before your Board
- 22 today. To best answer questions and to make the best
- 23 presentation, I've asked two team members with
- 24 expertise in the respective areas to give sections of
- 25 our presentation.

- 1 Sharon Rubalcava will present
- 2 information on liner design and legal rationale for
- 3 approval. Dr. Shari Libici will talk about
- 4 air-quality monitoring and health-risk assessment.
- 5 I'll return and talk about capacity
- 6 mitigations and requirements support for the landfill
- 7 and then have some closing statements. I'd like now
- 8 to turn to Sharon Rubalcava to start our
- 9 presentation.
- 10 MS. RUBALCAVA: Thank you, Mr. Edwards and
- 11 Board Members. My presentation today will focus on
- 12 three issues. And I also will take time to address a
- 13 couple of the issues that were raised today that I
- 14 think may have created more confusion than clarity.
- 15 First, I want to talk about the state
- 16 regulations regarding the design of the liner and why
- 17 the liner design originally proposed by BFI should be
- 18 approved. I'd also like to touch on some of the
- 19 public health issues that have been raised and then
- 20 also discuss how all the Title 27 requirements have
- 21 been met.
- Okay. We are asking the Board today
- 23 to approve the liner design as originally proposed by
- 24 BFI. The prescriptive liner design proposed by BFI
- 25 is the liner required by the federal and state

- 1 regulations. They obviously have considered the many
- 2 issues concerning, especially concerning, the
- 3 strength of HDPE. And this is the liner that they
- 4 have come up with.
- 5 There is no technical basis for the
- 6 modifications proposed by staff at the last hearing.
- 7 I think you need to be aware that no evidence has
- 8 been presented that the prescriptive liner will not
- 9 protect water quality. No evidence has been
- 10 presented that the modifications proposed by staff
- 11 will provide a quantifiable measure of additional
- 12 protection.
- In fact, BFI has presented evidence
- 14 that there is no quantifiable additional long-term
- 15 environmental protection from the modifications that
- 16 are proposed.
- No evidence has been presented that
- 18 there are unique site conditions requiring more than
- 19 the prescriptive liner. In fact, the evidence shows
- 20 just the opposite. The staff cites the excellent
- 21 site characteristics at Sunshine Canyon. And the
- 22 local water master testified at the last hearing that
- 23 Sunshine Canyon is an ideal site for a landfill.
- 24 Also I want to remind you that BFI
- 25 testified at the last hearing that the additional

- 1 cost of the modifications proposed by staff are \$13
- 2 million over the life of landfill. This is
- 3 additional cost that cannot be justified by the
- 4 evidence before you.
- 5 Okay. Let's touch briefly on the
- 6 legal rationale for approval. The Board has all the
- 7 information that you need to issue the WDRs today.
- 8 All the Title 27 requirements have been met. And
- 9 they are very specific.
- 10 This Title 27 is very different than a
- 11 lot of the other areas in which you deal. It has
- 12 very specific requirements about liner design
- 13 modification -- I'm sorry -- monitoring and
- 14 reporting. All of those requirements have been met.
- The new landfill will protect the
- 16 waters of the State. Your staff has said that. They
- 17 concur in our determination in that regard. Any
- 18 discharges from the old unlined landfill are being
- 19 addressed by the Corrective Action Plan.
- I want to thank the staff for going
- 21 ahead and issuing the CAO because it allowed us to
- 22 begin work sooner, which we wanted to do on the
- 23 mitigation.
- 24 Councilman Smith has raised an issue
- 25 today that I think I have to address at this point,

- 1 and that goes to the question of testing. I hope
- 2 it's clear to all of you, and especially to Mr.
- 3 Nahai, who is a lawyer here, that what they're
- 4 talking about are discharges to the sanitary sewer.
- 5 The leachate condensate from the
- 6 landfill is not discharged to ground or surface
- 7 water. It is discharged to the sanitary sewer. As
- 8 this Board knows, that's simply not within your
- 9 jurisdiction.
- 10 The sewer, the condensate, the
- 11 leachate is all tested regularly. But Councilman
- 12 Smith decided that -- at the last minute last Friday,
- 13 he decided he wanted to come out and do some testing.
- 14 We cooperated. But it's really a last-minute ploy.
- This is an issue before the City of
- 16 Los Angeles. We have an industrial-waste discharge
- 17 permit. We are completely within the terms of our
- 18 permit. Your staff has reviewed that. They're aware
- 19 of that.
- 20 This is an issue with the City of
- 21 Los Angeles. It is not an issue before this Board.
- Likewise, you've heard talk about
- 23 revocation of a variance. Okay. I hope you didn't
- 24 come away with the impression that that's some sort
- of land-use entitlement for the landfill as a whole.

- 1 What they're talking about is the
- 2 presence of a "clarifier" on City property that is
- 3 used as part of the sewer discharge. And they're
- 4 questioning whether or not the "clarifier" is
- 5 properly there.
- 6 We do not believe they have grounds to
- 7 revoke that variance. But if they decide to proceed
- 8 that way, that's all that's at stake. It does not
- 9 have anything to do with the basic entitlement for
- 10 the landfill. So basically they're here delaying --
- 11 trying to get you to delay action while they take
- 12 action on something that's entirely within their
- 13 jurisdiction.
- 14 Also, they've talked about odors from
- 15 the sewer. At the last hearing, Judith Wilson was
- 16 here to testify that they had -- the Bureau of
- 17 Sanitation had been out there. They've investigated
- 18 and have not traced odors back to the landfill
- 19 discharges through the sewer.
- You've also heard about e-waste today.
- 21 They keep raising that like it's some sort of
- 22 special waste. BFI has testified that they are not
- 23 going to accept e-waste at this new landfill. So
- 24 that's an issue that's completely irrelevant to this
- 25 point. You heard that at the least hearing.

- 1 Okay. Now, I'd like to switch at this
- 2 point and talk briefly about the issue of public
- 3 health. You've heard testimony -- and a lot of it --
- 4 from the members of the public that they believe the
- 5 landfill's causing health impacts on the surrounding
- 6 community.
- 7 But this is not a basis for denying
- 8 the permit. The testimony's undisputed that there is
- 9 no waterborne pathway of exposure between the
- 10 landfill and the residents of the nearby community.
- 11 The community has not even alleged a waterborne
- 12 pathway. And none of the experts who have
- 13 testified -- Dr. Stratton, Dr. Simon -- have seen any
- 14 evidence of a waterborne pathway.
- The experts have testified that, if
- 16 there is a potential pathway of exposure, it's the
- 17 airborne pathway. But over a year of monitoring,
- 18 actual monitoring data in the community every day for
- 19 over a year, has shown that the air quality is
- 20 comparable to other neighborhoods in the South Coast
- 21 Air Quality Management District.
- 22 So we have actual exposure data on the
- 23 airborne pathway. We know what the situation is.
- 24 Now, you also know that air-quality issues are
- 25 addressed by the South Coast Air Quality Management

- 1 District.
- 2 And in this particular regard, the Air
- 3 District issued permits for the landfill. And they
- 4 have specific rules that govern dust and landfill-gas
- 5 emissions. So it's not as if this is unregulated.
- 6 The community's concerns about health
- 7 issues have not been ignored. The City reviewed the
- 8 available databases, just like you're doing right
- 9 now, in 1999. And they found the same thing that the
- 10 doctors are finding now -- no evidence, no objective
- 11 evidence of a public health impact.
- 12 But they didn't stop at that. They
- 13 didn't stop. What they said was -- and they listened
- 14 to the experts. The experts said, "Look at exposure
- 15 data. Find out what's actually happening out there.
- 16 Monitor it."
- 17 Okay. That's what the City did. The
- 18 City directed BFI to do monitoring. And that's
- 19 what's been done for a year. Okay. We've also --
- 20 they also asked us to look at the effect of what the
- 21 future buildout will be.
- We've done risk assessments.
- 23 Dr. Libici will be talking about that. Okay. All of
- 24 this evidence, all of this review so far has shown no
- 25 evidence of a health impact in the community.

- 1 The community has said it's going to
- 2 do its survey.
- 3 You now -- to the extent you wanted to
- 4 get this ball rolling, it's rolling. And I think, at
- 5 this point, you have to step back and say, "Wait a
- 6 second. We're a water agency. You know, is this
- 7 really something that concerns us at this point?"
- And the answer is "No." At this
- 9 point, the claims of health impacts really don't
- 10 provide any legal basis to delay the permit.
- In conclusion, there is no legal basis
- 12 to deny or -- deny these WDRs or to delay issuance of
- 13 them any further. Pursuant to the provisions of the
- 14 California Government Code and the state regulations
- 15 which set forth time limits for state agencies to act
- on permit applications, you're way over.
- 17 This permit application should've been
- 18 acted on within 180 days from the date it was
- 19 complete. And that was way back in August. The
- 20 Board needs to take action today. You have your own
- 21 responsibilities under state law.
- Okay. Our next speaker will be
- 23 Dr. Shari Libici. And she's going to be talking
- 24 about the air-quality issues, both in terms of the
- 25 monitoring and the risk assessment.

- 1 DR. LIBICI: Madam Chair, Members of the
- 2 Board, I have very brief remarks that I've cut to the
- 3 bone to only talk about the issues at hand. And
- 4 they're the health-risk assessments that were
- 5 conducted as part of the City approval process and
- 6 the air-monitoring program that's gone on.
- 7 The only air pathway, the only air
- 8 sources that have the potential to result in
- 9 pollution in the neighborhood are the landfill-gas
- 10 flare, landfill gases uncollected, and trucks and
- 11 heavy equipment at the landfill.
- 12 The community was concerned that dust
- 13 and diesel exhaust from the landfill would degrade
- 14 the local air quality. In response, the City
- 15 required air-quality monitoring four times per year,
- 16 before landfilling started, to establish baseline air
- 17 conditions and, after landfilling started, to ensure
- 18 that area's air quality did not degrade due to the
- 19 expansion.
- 20 Rather than monitor only four times in
- 21 the year, BFI established a 16-month continuous
- 22 monitoring program for dust and diesel particulates.
- 23 The extensive baseline monitoring program shows that
- 24 the air quality in the neighborhood was similar to
- 25 other residential areas in the basin.

- In addition, and, frankly, not
- 2 surprising to those of us in the air-quality field,
- 3 air quality in the neighborhood is better when the
- 4 winds blow from the landfill than when they blow from
- 5 the other directions, which include freeways.
- 6 BFI's required to monitor the air
- 7 quality in the future to ensure that the air quality
- 8 in the neighborhood does not degrade. Health-risk
- 9 assessment in California is a well-defined process
- 10 and a very important part of the evaluation of new
- 11 projects.
- 12 This is what Dr. Cozen was talking
- 13 about when she talked about suspected and potential
- 14 health risk. All sources of air emission from the
- 15 landfill were evaluated during the City approval
- 16 process. This evaluation was done using the
- 17 health-risk-assessment process approved by the State
- 18 of California.
- 19 The health-risk assessment of the
- 20 landfill flare and the landfill gas was done in
- 21 consultation with South Coast Air Quality Management
- 22 District staff. The cancer risk from the landfill
- 23 flare and the landfill gas is predicted to be
- 24 approximately 1 in a million, or about one tenth of
- 25 the level requiring notification by the State of

- 1 California.
- 2 Exhaust from heavy equipment was
- 3 addressed during the planning process in response to
- 4 questions from L.A.U.S.D. "Environ" (phonetic)
- 5 estimated the health risks for students at Van Gogh
- 6 elementary school based on an analysis prepared by
- 7 L.A.U.S.D.
- 8 The cancer risk estimated from the
- 9 heavy equipment operating at the landfill to students
- 10 at the school is 4 in a million, well below the
- 11 threshold for notification by the State of
- 12 California.
- 13 The health risks from the process --
- 14 from the proposed landfill were exhaustively
- 15 evaluated during the process. And BFI is required to
- 16 monitor the air before and during the expansion.
- 17 I'd be glad to answer any questions.
- 18 CHAIR CLOKE: Are there any questions for the
- 19 doctor?
- 20 Pardon me?
- 21 Thank you very much.
- 22 Did you want to conclude?
- 23 MR. EDWARDS: Okay. I want to touch on some
- 24 of the things that were brought up during
- 25 intermission just to make sure that we are setting

- 1 the record straight.
- 2 Sunshine Canyon Landfill has been
- 3 identified by the County of Los Angeles as a critical
- 4 component to meet the state requirements set forth in
- 5 AB 939. The laws require that the County identify
- 6 and provide for at least 15 years of disposal
- 7 capacity for waste generated within the County,
- 8 including the 88 cities within its boundaries.
- 9 Sunshine Canyon Landfill represents
- 10 disposal capacity to manage approximately 30 percent
- of the County's waste. L.A. County currently
- 12 generates 39,000 tons per day of waste.
- Currently more than 5,000, and
- 14 probably closer to 7,000, tons per day of waste is
- 15 exported to other counties. The City of L.A.
- 16 residents and businesses generate more than 12,000
- 17 tons per day. And some estimates are over 15,000
- 18 tons per day.
- 19 Sunshine Canyon is critical for the
- 20 future disposal needs of L.A. City and County, with
- 21 or without the 3,700 tons per day from the City of
- 22 L.A. Bureau of Sanitation.
- 23 Sunshine Canyon is projected to be out
- 24 of buildable capacity by the summer of 2004. So when
- 25 you ask about how critical these WDRs are, we're

- 1 going to be out of capacity by the summer of next
- 2 year.
- 3 The shortfall will economically impact
- 4 the City and the County of Los Angeles and many other
- 5 local cities and residents and businesses, some of
- 6 which you've heard today.
- 7 Also related to capacity, you've
- 8 heard, from the Mayor's office in the previous two
- 9 hearings, that a request for alternative disposal
- 10 sites to Sunshine was solicited by the Bureau of
- 11 Sanitation.
- 12 The alternatives provided simply move
- 13 the controversy to other L.A. and out-of-county
- 14 neighborhoods, require development of new transfer
- 15 stations, provide for longer haul distances with
- 16 substantially increased air emissions and
- 17 environmental impacts.
- 18 BFI has responded to each and every
- 19 issue that has been raised over the course of the
- 20 project-permitting process, including providing
- 21 mitigations at 3-to-1 for wetlands removed; 15,000
- 22 oak trees planted; 5-to-1 mitigation for Douglas
- 23 firs.
- 24 We've also donated over a thousand
- 25 acres of open space and created buffer zones to

- 1 establish permanent areas where -- and separation
- 2 between the landfill and the neighborhood.
- 3 This project has already gone through
- 4 the land-use and political process and received
- 5 approval from the L.A. Board of Supervisors and the
- 6 L.A. City Council. And those approvals are final.
- 7 I'll go through, very quickly, some of
- 8 the support that we still continue to have on the
- 9 project. Already read into the record is a letter
- 10 from Councilmember Cindy Miscikowski, Bernard Parks,
- 11 Jan Perry, and Ed Reyes. We also have support from
- 12 the County Board of Supervisors, including Gloria
- 13 Molina, Don Knabe, and Yvonne Burke.
- We have support from other
- 15 governmental representatives and key opinion leaders
- 16 including Mark Ridley-Thomas, Ruth Galanter, and
- 17 Robert "Furstberg" (phonetic). We have community
- 18 support from our Teamsters; Chamber of Commerces,
- 19 including Granada Hills, Northridge, Porter Ranch,
- 20 and United Chamber of Commerce.
- 21 Other supporters include other
- 22 governmental representatives, including mayors and
- 23 councilmembers from the cities listed here, including
- 24 Alhambra, Bell, Pomona, Torrance.
- 25 MR. PAK: Mr. Edwards --

- 1 MR. EDWARDS: Yeah?
- 2 MR. PAK: -- if I may, you know, we have all
- 3 of this material. And I'm trying to take the
- 4 politics out of this process.
- 5 MR. EDWARDS: Well, I am too. I am too.
- 6 MR. PAK: We don't need to have this
- 7 presentation today. If you could maybe do a
- 8 conclusion now, it would probably -- we can probably
- 9 get to the point where we need to get to, just to
- 10 make a decision sometime today, hopefully.
- MR. EDWARDS: I'm glad you brought that up
- 12 because we do need to set the politics aside. We
- 13 need to set the theatrics aside. And we also need to
- 14 set aside the last-minute ditches that are trying to
- 15 delay this project.
- 16 BFI operates its landfill under
- 17 compliance with all of its permits. We would have
- 18 never received our permit from the Solid Waste Board
- 19 nor would your staff have recommended approval of
- 20 these WDRs unless we were in compliance with all of
- 21 our permits.
- 22 We respectfully ask that you issue the
- 23 WDRs today. Thank you.
- 24 CHAIR CLOKE: Thank you, Mr. Edwards.
- 25 I'm now going to call the speaker

- 1 cards that I have left. If I call the name of
- 2 someone who's left and you know it, will you let me
- 3 know?
- 4 Also, if what you want to do is just
- 5 be counted as being opposed, when I call your name,
- 6 if you will say so, I will mark it on the card; and
- 7 you don't even have to come to the podium. That will
- 8 help us 'cause I am worried about losing a quorum.
- 9 On the other hand, you know, if you --
- 10 if it's -- if you make the decision that you need to
- 11 be heard, we will give you -- we will give you that
- 12 respect.
- 13 MR. PAK: Madam Chair, if I could make a
- 14 suggestion, could we just get three names called,
- 15 have them in line, so that the next speaker is ready
- 16 to talk so we could just move more quickly?
- 17 CHAIR CLOKE: Mr. Feldman? Are you speaking?
- 18 Or are you just -- would you want to just be counted
- 19 as a "No"?
- MR. FELDMAN: I'm sorry?
- 21 Oh, I'm against -- against.
- 22 CHAIR CLOKE: Okay. Thank you.
- MR. FELDMAN: I thought you were calling me
- 24 to --
- 25 AUDIENCE MEMBER: Yes. Go speak.

- 1 CHAIR CLOKE: Are you speaking?
- 2 MR. FELDMAN: Yes.
- 3 CHAIR CLOKE: Okay. After Mr. Feldman, Mr.
- 4 Piro and Mr. Hunter.
- 5 MR. PAK: Can those people come forward?
- 6 CHAIR CLOKE: One minute, please.
- 7 MR. FELDMAN: All right. Thank you. I
- 8 appreciate the opportunity. I wanted to talk about
- 9 two things that appeared in your report from your
- 10 staff and -- kind of interesting.
- One of 'em had to do with the
- 12 permeability of the liner. And it was mentioned by
- 13 BFI that the staff recommended approval, based on
- 14 that. However, on Page 3, Paragraph 1, of the staff
- 15 report it states -- quote -- "The proposed landfill
- 16 expansion will be equipped with a composite liner
- 17 that includes an 80-mils-thick-layer HDPE membrane
- 18 underlain by four feet of low-permeability clay" --
- 19 unquote.
- 20 And we just heard BFI say, "No." They
- 21 didn't accept that -- that all they're willing to
- 22 accept was a 60-mil liner with two feet of clay.
- 23 There seems to be a quite a bit of discrepancy here.
- I would call into question some of the
- 25 other items in this report. Specifically, if you go

- 1 to Page 1, the last sentence in Point 1 on the
- 2 "Additional Health Impact Investigation," it says,
- 3 "The memo from USC Cancer Surveillance Program did
- 4 not show any excess occurrences of cancers in the
- 5 area surrounding Sunshine Canyon Landfill."
- 6 And they didn't. We heard a very well
- 7 presented and methodological -- yeah. It's easy for
- 8 you to say.
- 9 CHAIR CLOKE: Could you bring your remarks to
- 10 a conclusion, sir?
- 11 MR. FELDMAN: Yes. What I'd like to do is say
- 12 their data collection is faulty. We heard all of
- 13 that way they arrived at the analysis, the
- 14 conclusions from analyzing the data. But we don't
- 15 know how they collected the data.
- 16 And the reason I say it's faulty is
- 17 because I live in Granada Hills on Orozco Street.
- 18 It's not a very long street. Behind me is Courbet.
- 19 On those two streets, there are 10 incidents of --
- 20 have been, over the years -- 10 incidents of cancer.
- 21 CHAIR CLOKE: Right. We understand that
- 22 that's the concern. That's the reason why we asked
- 23 for the health-effects study. So we really
- 24 understand that.
- 25 MR. FELDMAN: I'm concerned about how the data

- 1 is collected.
- 2 CHAIR CLOKE: Right. But --
- 3 MR. FELDMAN: Can we have any sort of input
- 4 into that? Can we -- can anybody from the community
- 5 have input into that?
- 6 CHAIR CLOKE: You can do that through
- 7 Dr. Simon, who is going to have meeting in your
- 8 community. He's the one who's in charge of that
- 9 study.
- 10 MR. FELDMAN: Okay.
- 11 CHAIR CLOKE: Thank you, sir.
- MR. FELDMAN: Thank you.
- 13 CHAIR CLOKE: Mr. Piro. And after him, Mr.
- 14 Hunter. Are you here? Are you ready to come down?
- 15 And after Mr. Hunter, Mr. Moss.
- MR. PIRO: I'm here with the Valley Coalition.
- 17 I'm opposed to the --
- 18 CHAIR CLOKE: What's your name, sir?
- 19 MR. PIRO: Jerry Piro.
- 20 CHAIR CLOKE: Right. We'll mark you as a
- 21 "No." Thank you. I really appreciate your courtesy
- 22 of the time -- your recognition of the time
- 23 situation.
- Mr. Hunter?
- 25 MR. HUNTER: Thank you. My name is Wayde

- 1 Hunter. I have a handout I'd like the Board to look
- 2 at, please.
- 3 CHAIR CLOKE: Umm --
- 4 MR. HUNTER: Thank you. We just wanted to say
- 5 that, based on the staff report, that the results of
- 6 the first phase of the requested health study could
- 7 be misleading since, for the most part, it's a
- 8 replication of the 1999 census tract.
- 9 And, again, we believe that any study
- 10 done should target the area closest to the landfill.
- 11 We're certain that many cases were not reported
- 12 since the Registry does not have the capability of
- 13 reporting cases where those exposed moved before
- 14 becoming ill.
- The children grew up in the area and
- 16 are now being diagnosed -- and are now being
- 17 diagnosed outside of the area plus, you know,
- 18 teachers who work at the school --
- 19 CHAIR CLOKE: Mr. Hunter, it's too fast for
- 20 our court reporter.
- 21 MR. HUNTER: Well, I'm sorry. I was trying to
- 22 fit it all in.
- 23 CHAIR CLOKE: And remember that we are well
- 24 aware of the health-effects issue.
- MR. HUNTER: Well, just so you know, this map

- 1 that I passed out -- one of the ladies in the area --
- 2 she didn't go and canvass individual streets or
- 3 anything like that. She just -- she knew a few
- 4 people. She started putting information down.
- 5 And if you have a look at here, we're
- 6 indicating you -- a whole series of clusters. And
- 7 this is just one lady, three streets near her house,
- 8 and the people she knows has cancer.
- 9 And if you look at very lowest one
- 10 over here, like Tennyson --
- 11 CHAIR CLOKE: Okay.
- MR. HUNTER: -- there's about 40 houses.
- 13 About a third of them have cancer, including two
- 14 dogs. But we didn't put the dogs down there.
- 15 CHAIR CLOKE: Mr. Hunter, if you could make
- 16 sure that Dr. Simon gets a copy of --
- MR. HUNTER: Yes. In actual fact, on the back
- 18 of this is our letter. We just sent it to Dr. Simon.
- 19 And I'd just like to say respectively -- respectfully
- 20 that we request that you deny this permit or, failing
- 21 that, continue the hearing until such time as all the
- 22 health issues have been properly addressed. Thank
- 23 you.
- 24 CHAIR CLOKE: Thank you, Mr. Hunter.
- Mr. Moss.

- 1 After Mr. Moss, Miss Stanley and
- 2 Mr. Woods. And anybody who's wishing to just have me
- 3 mark their opposition, we would appreciate that.
- 4 MR. MOSS: Good evening, Madam Chair, Board
- 5 Members. My name is Bruce Moss. I'm here on behalf
- of the Woodland Hills Chamber of Commerce. And I
- 7 have a position letter to read.
- 8 "As a business-advocacy organization
- 9 based in the San Fernando Valley, the Woodland Hills
- 10 Chamber of Commerce would like to voice its support
- 11 for the expansion of the Sunshine Canyon Landfill.
- "I'm here today to speak in support of
- 13 this Board's granting the Water Discharge Requirement
- 14 permits required in order for Browning-Ferris
- 15 Industries to complete the much-needed expansion of
- 16 the landfill.
- 17 "Every community produces waste and
- 18 therefore must bear the burden of its disposal. All
- 19 forms of expansion, whether it's for municipal
- 20 facilities or for community redevelopment, affects
- 21 individual communities. The important issue is to
- 22 ensure that those in charge of any expansion project
- 23 act responsibly.
- 24 "Sunshine Canyon Landfill is one of
- 25 those projects and is managed by a responsible and

- 1 safe operator -- Browning-Ferris Industries.
- 2 Alternative plans for trash disposal will cost
- 3 individual and business taxpayers many times more
- 4 than the current cost for disposal of the Sunshine
- 5 Canyon Landfill.
- 6 "Such additional costs are unnecessary
- 7 in light of the capacity available there."
- 8 CHAIR CLOKE: Mr. "Woods," could you conclude,
- 9 please? Your time is up.
- MR. MOSS: Yes.
- 11 CHAIR CLOKE: Mr. Moss. I'm sorry.
- MR. MOSS: Okay. Well, basically, then, the
- 13 Woodland Hills Chamber strongly urges this Board to
- 14 vote in favor of the WDR permit. And I will submit a
- 15 copy of the letter.
- 16 CHAIR CLOKE: Thank you, Mr. Moss.
- 17 Miss Stanley, followed by Mr. Woods,
- 18 followed by Miss Worley.
- 19 Are they present? Can you hear me?
- 20 Miss Stanley -- Dona Stanley -- followed by Mr. John
- 21 Woods, followed by Miss Brook Worley. Have they all
- 22 left?
- Okay. Miss Gornick, followed by Miss
- 24 Stout -- it looks like -- Marilyn Stout. And after
- 25 that, Miss Ann "Tinzle"?

- 1 MS. KINZLE: Kinzle.
- 2 CHAIR CLOKE: Kinzle. I'm sorry. Kinzle.
- 3 MS. GORNICK: Hi. Thank you --
- 4 CHAIR CLOKE: Are you Miss Gornick?
- 5 MS. GORNICK: Yes.
- 6 CHAIR CLOKE: Great.
- 7 MS. GORNICK: Thank you, Commissioner Cloke
- 8 and Members of the Board. My name is Sue Gornick. I
- 9 am co-chair of VICA's Environment, Water, and
- 10 Infrastructure Committee.
- 11 The Valley Industry and Commerce
- 12 Association is a business-advocacy organization
- 13 founded in the San Fernando Valley in 1949. And for
- 14 many years, we've been in support of -- I'm trying to
- 15 abbreviate for you. I think I'll just -- I'll get to
- 16 the point.
- We hope that you're going to respect
- 18 the process. The EIR approval and land-use decisions
- 19 have already been determined, meaning that the
- 20 political process has been completed. What is before
- 21 you is a technical permit that your staff has
- 22 recommended and determined to be in compliance with
- 23 the law.
- 24 The Board should respect the permit
- 25 process and approve the permit. Businesses

- 1 throughout the state are asking for due process on
- 2 permitting. And state and local agencies must comply
- 3 with their responsibilities. Thank you.
- 4 CHAIR CLOKE: Thank you very much. And thank
- 5 you for respecting our time limit.
- 6 Miss Stout, are you still here?
- 7 And after Miss Stout, Miss Kinzle.
- 8 MS. STOUT: Thank you very much for your good
- 9 work. My name is Marilyn Stout. I am secretary-
- 10 treasurer of the Northridge Civic Association.
- We favor the trash-to-energy
- 12 conversion system used in Denmark. We have, in our
- 13 neighborhood, a real expert on that subject. If this
- 14 system is as good as it's reputed to be, we would
- 15 welcome it in the Northridge Fashion Square
- 16 industrial-commercial area.
- I point out that that's closer to my
- 18 house than the landfill. Oh, I was talking to one of
- 19 the more pleasant members of BFI and said, "Why don't
- 20 you investigate that?"
- This landfill decision must be easy
- 22 for you. Our people know all about the danger to our
- 23 water supply and are talking about it. Furthermore,
- 24 Mayor James Hahn has called a press conference, as
- 25 you all know, and has opposed this landfill. So

- 1 please vote "No" on the dump.
- 2 CHAIR CLOKE: Thank you.
- 3 Miss Kinzle? And after Miss Kinzle --
- 4 MS. STOUT: Oh, I have one further gift for
- 5 you because the California wildfires --
- 6 CHAIR CLOKE: Miss Stout, your time -- your
- 7 time is up.
- 8 Miss Kinzle?
- 9 MS. STOUT: -- have caused us to make
- 10 recommendations for better economic and --
- 11 CHAIR CLOKE: Miss Stout, your time is up.
- 12 MS. STOUT: I'll give it to you -- to your
- 13 secretary.
- 14 MS. KINZLE: Thank you. I'm Ann Kinzle, and
- 15 I'm executive director of the Reseda Chamber. And
- 16 I'm here representing them. But also I would like to
- 17 make a comment that I was bothered by the Mayor's --
- 18 Hahn's -- article in "The Daily News" today.
- 19 All the years the Granada Hills
- 20 Coalition have been complaining about the landfill --
- 21 we've got this oversight committee; and I'm also on
- 22 that -- no alternatives were even attempted to be
- 23 sought.
- Now, in two years, how can the Mayor
- 25 make a promise that he won't sign the landfill

- 1 renewal? No other surrounding communities wants our
- 2 trash. We have to be responsible. What the people
- 3 of Granada Hills forget -- we are all part of our
- 4 great city, Los Angeles. And our trash has to go to
- 5 responsible landfill BFI.
- 6 CHAIR CLOKE: Thank you very much.
- 7 Mr. Muller.
- 8 After "Miss" Muller, Miss Tomlinson.
- 9 Could you come up and be ready to speak, one right
- 10 after the other?
- 11 And Miss Bendikson. All right. Is
- 12 Mr. Muller here?
- 13 Miss Tomlinson, are you here?
- Looks like she's gone.
- 15 Miss Bendikson, have -- oh, are you --
- 16 you're Miss Bendikson?
- 17 MS. BENDIKSON: Yes.
- 18 CHAIR CLOKE: And after Miss Bendikson, Mr.
- 19 Manatt. Is he present?
- 20 All right. If you'll come up and be
- 21 prepared to speak in that order.
- Thank you, Mr. Muller.
- MR. MULLER: Thank you. I'm Alexander Muller,
- 24 Granada Hills. I've been a resident of Granada Hills
- 25 since 1970. So we've been up and down on earthquakes

- 1 and all those other things there.
- 2 One observation, one question. I've
- 3 been given to understand that BFI no longer puts a
- 4 daily cover of soil on the landfill. Instead, they
- 5 cover the garbage with a tarp on each weeknight. It
- 6 is then uncovered in the morning and more trash is
- 7 put on.
- 8 The result is to create giant piles of
- 9 garbage without the stabilizing and water-filtering
- 10 properties of soil. This practice has not been used
- 11 statewide for a long-enough have time to ascertain
- 12 the effective stability. It has been ascertained at
- 13 this point only to be lucrative financially for BFI.
- 14 In your staff report, under Section 2,
- 15 Page 3, you state that there is four feet of clay
- 16 underlining the liner as a protection for any
- 17 advancing of contamination. Over the life of the
- 18 landfill, the daily cover would represent hundreds of
- 19 feet of soil.
- 20 CHAIR CLOKE: Mr. Muller --
- 21 MR. MULLER: Why is this clay so different in
- 22 its potential to filter or diffuse the
- 23 contamination --
- 24 CHAIR CLOKE: Mr. Muller, can you bring your
- 25 remarks to a conclusion? Your time is up.

- 1 MR. MULLER: Thank you very much.
- 2 CHAIR CLOKE: Thank you, sir.
- 3 MR. MULLER: Appreciate it.
- 4 CHAIR CLOKE: We appreciate your being here.
- 5 Miss Bendikson followed by Mr. Manatt
- 6 followed by Mr. Kroy.
- 7 MS. BENDIKSON: My name is Becky Bendikson.
- 8 I'm the chairperson of the Granada Hills North
- 9 Neighborhoods Council.
- 10 And I really want to take a second to
- 11 thank the Chair and all of your Board Members. I
- 12 mean this sincerely. You're the most attentive
- 13 governmental board which I've appeared before. And I
- 14 really thank you for listening to us. I asked you
- 15 last time to listen, and you did listen.
- I wanted to read four brief letters,
- 17 but I won't have time. I just wanted to let you know
- 18 that I have these four letters that support the
- 19 Granada Hills North Neighborhood Council position
- 20 opposing this permit being issued.
- 21 And they are from "Leonard J.
- 22 Schaefer" (phonetic), President of the Tarzana
- 23 Neighborhood Council. The second is from the
- 24 Northridge West Neighborhood Council Board Member
- 25 "Judy Levin-Sanchez" (phonetic) and Attorney "Alfonse

- 1 Sanchez" (phonetic).
- 2 The third is from Ron Nagai, the
- 3 interim president of the Porter Ranch Neighborhood
- 4 Council. And the fourth is from Dr. "Wayne Aller"
- 5 (phonetic), President of the Knollwood Property
- 6 Owners Association.
- 7 And I'll give them to your staff.
- 8 Thank you.
- 9 CHAIR CLOKE: I appreciate that very much.
- 10 Mr. Manatt. And after Mr. Manatt, Mr.
- 11 Kroy. Is he still here?
- MR. MANATT: Yes. Thank you. My name is
- 13 Scott Manatt. I am a member of the Granada Hills
- 14 North Neighborhood Council. And I'm speaking on
- 15 concerns that our constituents, our stakeholders have
- 16 brought forward.
- I have not spoken to this Board
- 18 before. The EPA and all other reputable oversight
- 19 agencies recognize that all liners leak, in time. As
- 20 we've pointed out, the liner that the County
- 21 represented to this Board as state of the art was
- 22 breached in less than five years, causing
- 23 contamination in the subdrain.
- 24 This resulted in a completely
- 25 reroute -- in a complete rerouting of the water,

- 1 resulting in a continuous destruction in the City
- 2 wetlands. Subsequently, the diverted water was then
- 3 released into city sewers which, in turn, caused
- 4 odors in the communities nearest to the release.
- 5 The proponent is requesting a permit
- 6 to replicate this failed liner and not a double-
- 7 synthetic liner over the whole project, due to cost.
- 8 The staff report states that it's very
- 9 unlikely that any significant amount of leachate will
- 10 penetrate the synthetic liner. This is not
- 11 reassuring to us since "very unlikely" is what we
- 12 heard about the County liner. And "very unlikely"
- 13 came to pass.
- 14 The water protection afforded by the
- 15 permit is woefully inadequate. And the permit should
- 16 be denied.
- 17 However, if this Board is determined
- 18 to approve the WDRs, it should require the highest
- 19 standards of protection for a project in this
- 20 location --
- 21 CHAIR CLOKE: Thank you, sir.
- MR. MANATT: -- a double-synthetic liner.
- Thank you very much.
- 24 CHAIR CLOKE: After Mr. Kroy, Miss Libus. Is
- 25 Miss Libus still present?

- 1 AUDIENCE MEMBER: She left.
- 2 CHAIR CLOKE: She left?
- 3 After Mr. Kroy, then Mr. Rigley. Is
- 4 he still here?
- 5 MR. RIGLEY: Yes.
- 6 CHAIR CLOKE: If you could come up, sir.
- 7 Go ahead, sir.
- 8 MR. KROY: Oh, my name is Ralph Kroy. The
- 9 community and the North Valley Coalition has
- 10 requested that BFI provided a double-liner if it is
- 11 a -- it is to expand the dump -- pardon me --
- 12 landfill.
- 13 BFI's reply has been that it is too
- 14 expensive and it could not afford to do that.
- We -- the North Valley Coalition --
- 16 have found that Allied Waste Industries, the parent
- 17 company of BFI, has an annual revenue of 5-and-a-half
- 18 billion -- with a "B" -- and assets of nearly 14
- 19 billion -- again, with a "B."
- 20 This information was found on the
- 21 internet, and a copy is included with this report.
- 22 This amount of money would suggest that there are
- 23 funds available if they choose or were required to do
- 24 a double-liner. BFI was also required by federal law
- 25 to consider other alternatives before it destroyed

- 1 the wetlands. Yet it has not presented any viable
- 2 alternatives in its presentation.
- 3 BFI has a record of doing what it
- 4 wants without any consideration of the impact to the
- 5 environment or the neighbors. Thank you.
- 6 CHAIR CLOKE: Thank you, sir.
- 7 Mr. Rigley, followed by Miss Kienholz,
- 8 followed by Miss Johnson, if you could come down,
- 9 please.
- 10 MS. KIENHOLZ: I just want to go on record
- 11 that I'm opposed to this permit.
- 12 CHAIR CLOKE: Thank you. Are you Miss
- 13 Kienholz?
- MS. KIENHOLZ: Yes, I am.
- 15 CHAIR CLOKE: Thank you, ma'am.
- Mr. Rigley?
- MR. RIGLEY: Hi, Madam Chairman, Board. Thank
- 18 you very much. I'll be brief. And I do want to just
- 19 bring up a couple of things that have come --
- 20 CHAIR CLOKE: Give us your name for the
- 21 record, please.
- MR. RIGLEY: Oh, I'm sorry. Mike Rigley.
- 23 I've been living in Granada Hills since 1986. We've
- 24 been hearing today about we don't know enough about
- 25 certain medical questions. We have other things that

- 1 need to be determined for a later time.
- 2 But there are a couple of things,
- 3 there are some facts that I'd like to point out to
- 4 you. And as I'm saying these facts, think to
- 5 yourself how it would be if this landfill was in your
- 6 neighborhood.
- 7 Fact: The dump lies adjacent to the
- 8 largest water-treatment facility in the nation. I
- 9 mean this is adjacency.
- 10 Fact: The water supply for you and
- 11 for 18 million people in Southern California is at
- 12 risk.
- 13 Fact: The hundreds of diesel trucks
- 14 and earth-moving equipment will bring known cancer-
- 15 causing carcinogens to the neighborhood and to the
- 16 northeast end of San Fernando Valley. These are
- 17 facts.
- 18 Fact: Hundreds of pounds of toxics
- 19 that are part of the municipal, commercial, and
- 20 industrial waste system will also arrive daily.
- 21 Fact: The dump itself generates gas,
- 22 and many of its components can cause illness or
- 23 death.
- 24 CHAIR CLOKE: Mr. Rigley, I'm going to have to
- 25 ask you to conclude your remarks.

- 1 MR. RIGLEY: Okay. I will conclude with this:
- 2 At this time, vote for your conscience and your heart
- 3 and know that there's tax-paying citizens that really
- 4 care about where this landfill is done. And think
- 5 about, for a second, what you would do if it was in
- 6 your neighborhood. Thank you.
- 7 CHAIR CLOKE: Miss Johnson. Mr. Hilberg. And
- 8 after Mr. Hilberg, Mr. Pedrick.
- 9 MS. JOHNSON: Good evening.
- 10 AUDIENCE MEMBER: Mr. Pedrick just left. But
- 11 he's opposed --
- 12 CHAIR CLOKE: Please go ahead, ma'am.
- MS. JOHNSON: Good evening. In response to
- 14 your staff report, a couple comments. The report
- 15 acknowledges that 1,4-dioxane has been detected in
- 16 the downgradient wells and the extraction trench at
- 17 the entrance to the dump in the County extension.
- 18 In fact, they've been detected in the leachate
- 19 samples both in the Cityside landfill and the County.
- 20 And it continues to say that
- 21 1,4-dioxane has not been detected at any upgradient
- 22 water monitoring wells or groundwater-monitoring
- 23 wells at the property boundary. This is obviously an
- 24 inaccurate representation.
- The entrance to the landfill is very

- 1 close to San Fernando Road. And, unless BFI owns
- 2 that road, their property ends at the entrance. The
- 3 potential for leaking off-site exists today and will
- 4 continue to exist.
- 5 We can only assume that this
- 6 contaminant has already reached a point where any
- 7 additional movement will be toward the water supply.
- 8 Even with this obvious threat, there is no
- 9 requirement being put forward by the staff or by the
- 10 Board for additional wells off-site between the dump
- 11 and the Balboa Inlet water tunnel.
- 12 CHAIR CLOKE: Thank you very much.
- 13 Mr. Hilberg?
- MR. HILBERG: My name is Dennis Hilberg. As
- 15 to the direction of any potential earthquakes, in
- 16 1971, the land in Sylmar moved 16 inches. We have a
- 17 record of it on our property in Sylmar.
- 18 And in Granada Hills, just below the
- 19 dump, it moved 6 inches, as evidenced by my neighbor,
- 20 who very carefully cut out a foot out of his sidewall
- 21 so it would fit. And a month later, he had to put it
- 22 back in.
- 23 So it does move laterally as up and
- 24 down. Earthquakes aren't devoted to one sense. The
- 25 other is I had a 20-mil liner in 19 -- I mean light

- 1 irrigation pipe. And it was pierced in 20 different
- 2 locations by the movement of the land. So don't tell
- 3 me that liner is any good.
- 4 CHAIR CLOKE: Are you ready, sir? Mr.
- 5 Hilberg. After Mr. Hilberg, Mr. McArthur. Whoops.
- 6 That was Mr. Hilberg. You are Mr. McArthur?
- 7 MR. McARTHUR: Well, I was when I left home.
- 8 CHAIR CLOKE: You know, I've been asking
- 9 myself who I still am up here.
- 10 MR. McARTHUR: I'm Frank McArthur, here on
- 11 behalf of the North Valley Coalition of Concerned
- 12 Citizens, which is what this -- it was -- started out
- 13 to be called.
- In a letter from Weston-Benshoof,
- 15 BFI's attorneys state that the alternative to that
- 16 was a -- dated February, 2003, as submitted to the
- 17 Board and the Court for a 401 permit is adequate,
- 18 saying there is no need for another alternative
- 19 analysis or a law requiring one for a 401
- 20 certification.
- 21 The information contained in that
- 22 analysis is hopelessly outdated and does not reflect
- 23 current plans or procedures of either the City or the
- 24 County. Most of the documents cited are over 15
- 25 years old. The most current one is dated 1966 --

- 1 1996. The document does not discuss neither does BFI
- 2 make available recent information available to
- 3 assist.
- 4 CHAIR CLOKE: Thank you, sir.
- 5 Miss "Mango" -- "Jacqueline Mango."
- 6 Is she here?
- 7 AUDIENCE MEMBER: Can't hear you.
- 8 CHAIR CLOKE: Miss "Mango"? "Jacqueline
- 9 Mango"? I may have the name wrong. Is she gone?
- 10 Followed by Miss Maryellen Crosby. Is
- 11 she still here? Followed by Mr. Margo, Kirk Margo.
- 12 Is he gone?
- He's gone?
- 14 Please go ahead.
- MS. CROSBY: Hi. I'm Maryellen Crosby. I'm
- 16 Chairman of the Friends of O'Melveny Park. And I'm
- 17 definitely opposed to the reopening of the dump. But
- 18 what I really want to tell you is say, "Thank you
- 19 very much."
- I've been working with this group for
- 21 many years. And we've tried many times to get a
- 22 health study. And we've gotten nowhere. But thanks
- 23 to you people, somebody has listened to us; and
- 24 you've realized that we're very concerned. And I
- 25 want to thank you because, if you didn't help us, we

- 1 never would have gotten this health study.
- 2 And I'm on the committee. And I know
- 3 that, working with the doctor, he's really great and
- 4 he's going to do it the right way. And we're going
- 5 to try and come back and tell you something good.
- 6 Thank you very much.
- 7 CHAIR CLOKE: Thank you.
- 8 We have a problem. The Metropolitan
- 9 Water District wants us to quit the room.
- 10 AUDIENCE MEMBER: Why?
- 11 CHAIR CLOKE: I guess they're closing the
- 12 building. We've sent a staff member to see if we can
- 13 get a few more minutes. And we will let you know
- 14 the results of that. But I wanted to let you know as
- 15 soon as I knew that we were being asked. I hadn't
- 16 been aware of that before.
- 17 (Brief interruption.)
- 18 (Off-the-record discussion.)
- 19 CHAIR CLOKE: All right. You know, we're
- 20 having this discussion, which you probably can't
- 21 hear. We're all very frustrated by the fact that we
- 22 were unaware that we had to vacate this room. We
- 23 have had many meetings in this room where we have
- 24 stayed later. And so we were unaware of those
- 25 requirements.

- 1 Mr. Bacharowski, do you think there's
- 2 anything that can be done about this?
- 3 Given that fact, I think that we need
- 4 to continue this to our next meeting. I don't see
- 5 how we have any choice because we can't take your
- 6 testimony and deliberate.
- 7 MR. NAHAI: Yeah. But we could --
- 8 Robert, could you come here, please.
- 9 (Off-the-record discussion.)
- 10 CHAIR CLOKE: We've had a suggestion from
- 11 Mr. Nahai, which I think is a good one, which is that
- 12 we --
- MR. NAHAI: Come on now. Listen up.
- 14 CHAIR CLOKE: -- that we take your testimony
- 15 today; close the public hearing; and if we -- if we
- 16 can't -- if we have to vacate the room, we will do
- 17 so.
- But, right now, we're going to try to
- 19 get all of your testimony in before 6:45.
- So, Miss Jones, would you start?
- 21 MS. JONES: Yes. Diane Jones. I'm from the
- 22 alternative area. The City of L.A. would like to
- 23 close down the City's dump and dump it at our dump.
- 24 When, 5 years ago, they expanded our dump, they said
- 25 it would be 50 years. Currently it will only be 27.

- I say to you, "Approve this because we
- 2 are running out of landfills." And you know what?
- 3 The City -- you created it. You've got your own
- 4 garbage. You need to keep it.
- 5 CHAIR CLOKE: Mr. O'Mara.
- 6 MR. O'MARA: Thank you. My name is Jim
- 7 O'Mara. And by extension, I'm affected by your
- 8 decision. I live in Riverside County, a part of the
- 9 mayor's plan. He's taken a proposal from waste
- 10 management to possibly dump in El Sobrante. I object
- 11 to that.
- 12 Browning-Ferris has made application
- 13 for an expansion of the Sunshine County Landfill and
- 14 integration of Los Angeles City Landfill, utilizing
- 15 acreage into one master plan and presented that plan
- 16 to this Board for their approval.
- 17 This Board has entertained that plan
- 18 and, to my best knowledge, has provided Browning-
- 19 Ferris with all necessary compliance steps which must
- 20 be received before receiving go-ahead approval. If
- 21 at this date Browning-Ferris has met all compliance
- 22 required, I strongly urge your timely approval. A
- 23 lot of these people here are trying to make you into
- 24 a think tank. You're a decision-making body.
- I must also add that, as a resident of

- 1 Riverside County, I vehemently object to any proposal
- 2 that may have been put forth by Mayor Hahn's office
- 3 to deny this approval. It is outrageous that he may
- 4 be attempting to employ your fine office for his
- 5 political ambitions and thus thrusting this Board
- 6 into the advance guard of any future mayoral campaign
- 7 by placing you squarely in his camp.
- 8 Please look to the needs of the people
- 9 of this City and County and allow them to be met by
- 10 the approval of the Sunshine Landfill expansion
- 11 permit. Thank you.
- 12 CHAIR CLOKE: Thank you.
- Miss -- Mrs. O'Mara, followed by
- 14 Mr. Levitt. Mr. Levitt, are you still here? Okay.
- MRS. O'MARA: Kaye O'Mara, Norco, Riverside
- 16 County. I speak in support of the permit. You have
- 17 my packet. Within that packet, I'd like to mention
- 18 the support of the permit by the Norco school
- 19 district, the Norco City Council, and a few other
- 20 people.
- 21 I'd like to state that, you know,
- 22 trash is a mere reality of a human existence. And
- 23 every community creates trash. And every community
- 24 should be accountable and responsible for what they
- 25 create. And that includes one's trash.

- 1 What I find most offensive from the
- 2 mayor of your city and the residents is their
- 3 presumption that someone else should have to bear the
- 4 burden and impact on their environment for L.A.
- 5 trash. The attitude is, at the very least, extremely
- 6 insensitive to one's neighbor and irresponsible.
- 7 What is most insulting is that the
- 8 City of L.A. has the alternative -- their trash --
- 9 their own landfill in, specifically, Sunshine. I
- 10 understand with that capacity -- with that expansion,
- 11 they could have a 25-year capacity.
- 12 How absurd for this community to think
- 13 that they should be allowed to close their landfill
- 14 to only dump on another. Mayor Hahn states he wants
- 15 remote urban sites for their landfill. And he
- 16 states, I think --
- 17 CHAIR CLOKE: Could you please -- could you
- 18 conclude your remarks, please.
- 19 MRS. O'MARA: Yes. I'd like the audience to
- 20 hear this. Mayor Hahn says that they should not bury
- 21 their trash where their kids go to school and where
- 22 they live and where their water supply is.
- 23 Really. Well, where does he think El
- 24 Sobrante is?
- 25 CHAIR CLOKE: Thank you, ma'am. Thank you

- 1 very much.
- 2 Mr. Levitt?
- 3 MRS. O'MARA: What about our kids?
- 4 CHAIR CLOKE: We hear you. Thank you very
- 5 much.
- 6 Mr. Levitt, followed by Mr. Miss
- 7 Ziliac.
- 8 MR. LEVITT: Thank you, Madam Chair, Board
- 9 Members. My name is Sheldon Levitt, and I have lived
- 10 in the North San Fernando Valley for 40 years. I own
- 11 several rental properties in Granada Hills around the
- 12 Sunshine Landfill.
- I have long-term tenants living in the
- 14 rental properties. And I have never had -- received
- 15 any complaints regarding odor, dust, health problems
- 16 relative to the landfill. I am familiar with the
- 17 landfill's operation. Sunshine is a state-of-the-art
- 18 facility that only accepts normal household waste.
- 19 No hazardous waste is accepted at Sunshine Landfill.
- 20 BFI operates a reliable and closely
- 21 monitored landfill unlike any other landfill. They
- 22 maintain a full-time residential L.A. County
- 23 inspector to maintain the operation of the landfill.
- 24 They're the best -- they have the best freeway access
- 25 and in any access -- to any landfill in the country.

- 1 Trash trucks exit the freeway and use a service road
- 2 through the industrial area.
- 3 CHAIR CLOKE: Mr. Levitt, can you conclude,
- 4 please?
- 5 MR. LEVITT: I will conclude.
- 6 The expansion of Sunshine Landfill
- 7 must take place as soon as possible to provide
- 8 urgently needed trash-disposal service. I strongly
- 9 urge the Water Control Board to approve the --
- 10 CHAIR CLOKE: Thank you.
- 11 MR. LEVITT: -- WDRs today.
- 12 CHAIR CLOKE: Thank you.
- Miss Ziliac, followed by Miss Mann.
- 14 Miss Ziliac, are you here? Would you please go to
- 15 the podium? Are you Miss Ziliac?
- MS. ZILIAC: Yes, I am. Thank you. It's Anne
- 17 Ziliac. I have handed Steve a copy there of a letter
- 18 with supporting documentation from the North Valley
- 19 Coalition attorneys regarding practicable
- 20 alternatives in RCRA. And the staff got it already.
- 21 But you didn't get it yet. So there is a copy. I
- 22 think they were going to provide one to you, but they
- 23 haven't done so yet.
- I want to point out one of the -- one
- 25 of the comments in that supporting document. And it

- 1 says that "Practicable alternatives were not
- 2 considered." And that's true because one of the
- 3 things left out is that there are 90 acres of lands
- 4 that BFI was given in the 215-million-acre approval
- 5 from the Board of Supervisors, the County of L.A.
- And they don't say what they're going
- 7 to do with that 90 acres. So to say that they've
- 8 going to be out of landfill space in 2004 is
- 9 inaccurate because the Board of Supervisors told
- 10 them, when they were approved, that they could come
- 11 back if the City landfill did not happen.
- 12 So I wanted to say that is a
- 13 practicable alternative left out, never addressed.
- 14 CHAIR CLOKE: Thank you, Miss Ziliac.
- MS. ZILIAC: Thank you.
- 16 CHAIR CLOKE: Miss Mann? Followed by Miss
- 17 Hall.
- 18 MS. MANN: Cherie Mann. I'm going to submit
- 19 this -- so I don't have to say it -- regarding
- 20 Item 3, seismic stability of the liner system,
- 21 Page 3.
- 22 One thing -- all this has gone on
- 23 before the landfill has even opened. So just wait
- 24 till it opens, if it does.
- 25 The other thing is there is not an

- 1 insurance company in the United States that will
- 2 insure any liner for any dump. So liner is a big
- 3 issue. Thank you.
- 4 CHAIR CLOKE: Thank you.
- 5 MS. MANN: I am against.
- 6 CHAIR CLOKE: Thank you.
- 7 Dr. Bane? Dr. Marlene Bane? Is she
- 8 in the auditorium?
- 9 DR. BANE: Thank you, Madam Chair, Members of
- 10 the Board. I am Dr. Marlene Bane. And I've been a
- 11 resident of the San Fernando Valley for over 40 years
- 12 and have been involved in all aspects of valley life
- 13 all during that time.
- 14 My late husband served in the state
- 15 assembly, representing the San Fernando Valley. And
- 16 I served as the chief consultant and chief of staff
- 17 for many years.
- 18 And I have been, all of that -- all of
- 19 the time that Sunshine Canyon has been in existence,
- 20 I have been a supporter and a monitor of their
- 21 activity. I'm very proud of their community
- 22 involvement. I'm very proud of what they do. I know
- 23 they don't handle hazardous waste.
- 24 And I urge that you approve the Water
- 25 Discharge Requirement permits. They've met all of

- 1 the requirements. They have met all the other
- 2 permitting procedures. And they need your approval.
- 3 Thank you.
- 4 CHAIR CLOKE: Thank you very much.
- 5 We have two last cards. We're going
- 6 to hear from these two people. Then we are going to
- 7 close the public hearing. So there will not be
- 8 another opportunity to speak on this. The next time
- 9 this Board meets, we will meet to ask questions of
- 10 staff and to deliberate on the matter.
- 11 And the last two cards are Miss
- 12 Thompson and Miss Worley.
- MS. HALL: Miss Hall?
- 14 CHAIR CLOKE: You're -- you're --
- MS. HALL: Miss Hall.
- 16 CHAIR CLOKE: Yes. I was -- I called you up.
- MS. HALL: Oh, okay. My name is Beth Hall.
- 18 And like many people in the last year and a half, I
- 19 was able to spend my last penny and buy a house in
- 20 Granada Hills, which I love. And I drive every day
- 21 up the hill. And I see the thermometer rising.
- 22 And I was happy to hear from Sharon at
- 23 BFI that there are regulations. And I also noticed
- 24 that they've been violated 98 times. So we just
- 25 don't know what's going to happen. I'm sure they

- 1 don't mean to violate them, but it happens.
- 2 And being across from a water plant,
- 3 which is your jurisdiction -- even though they're
- 4 telling you, you really don't have any say in the
- 5 matter, you do. There is water there. And we don't
- 6 know what could happen. And I'd hate to be the one
- 7 who said, "Okay. Let it go." And then -- oops.
- 8 Seepage. Thank you.
- 9 CHAIR CLOKE: Miss Worley? Is Miss Worley
- 10 here? Miss Worley?
- 11 MS. WORLEY: Hello. My name is Donna. And
- 12 I'm from a grass roots group called "AVRALAT," an
- 13 acronym for "Allied Valley Residents Against L.A.
- 14 Trash." I have organized a constituency of Los
- 15 Angeles County citizens east of the 405 freeway, many
- 16 of whom live in Palmdale and Lancaster -- citizens
- 17 who oppose the transporting of the City's trash into
- 18 their neighborhood.
- 19 On their behalf, I ask that you allow
- 20 for the necessary permits for the expansion of
- 21 Sunshine -- of the Sunshine Canyon Landfill because,
- 22 from what studies indicate, the expansion of Sunshine
- 23 Canyon Landfill would take care of the City's trash
- 24 needs for the next 20 to 25 years.
- The expansion is the only viable and

- 1 fair answer to the City's trash problem. An
- 2 alternate plan to transport the City's waste to
- 3 Palmdale and Lancaster or Simi Valley and other such
- 4 communities is an obvious political ploy to upgrade
- 5 the neighborhoods of the affluent at the expense of
- 6 the less affluent. And I'd like you to think about
- 7 that.
- 8 The people of Lancaster and Palmdale
- 9 are up in arms about this and will fight the City
- 10 every step of the way if the City continues to
- 11 insinuate, in their project proposals, that the
- 12 people living further out in the county are somehow
- 13 of lesser value, which is what the alternate plan to
- 14 haul the trash to their neighborhoods implies.
- 15 CHAIR CLOKE: Would you please conclude your
- 16 remarks?
- 17 MS. WORLEY: Pardon?
- 18 CHAIR CLOKE: Would you please conclude your
- 19 remarks?
- MS. WORLEY: Okay.
- 21 To resolve the issue in the simplest
- 22 and fairest manner, I ask, on behalf of the people
- 23 who live in the towns that are designated by the City
- 24 as "remote areas," that you allow the expansion of
- 25 Sunshine Canyon so that the City can take care of the

- 1 tons of trash that it generates on a daily basis.
- 2 Thank you.
- 3 CHAIR CLOKE: Thank you. I appreciate your
- 4 cooperation.
- 5 And our last speaker -- Miss Thompson.
- 6 MS. THOMPSON: Hi. My name is Kim Thompson.
- 7 I spoke before. But there was just a couple of
- 8 things that I wanted to counter today. Miss
- 9 Rubalcava says that BFI's monitoring air quality.
- 10 But it's important to know that it's not landfill
- 11 gases that are being monitored -- only diesel
- 12 emissions.
- 13 And they told us that that was for
- 14 baseline monitoring only at school. My child goes to
- 15 that school where they have the monitor.
- And then, in 1999 -- they keep quoting
- 17 the health study, the health study, the health study
- 18 that they did. That was done by Wendy Cozen, who was
- 19 here today.
- 20 All of BFI's consultants are paid.
- 21 And of all the people who were here today -- the
- 22 chamber members in favor, who said, "Take your trash.
- 23 Take your trash" -- none of them suggested that they
- 24 take a transfer station, which isn't a dump, in their
- 25 neighborhood.

- So and the last thing -- never, never,
- 2 never have the opponents of the Sunshine Canyon ever
- 3 suggested another dump as an alternative. Never. I
- 4 don't even know -- El Sobrante is not in the mayor's
- 5 report. I can guarantee you. Neither is Palmdale or
- 6 Simi Valley. So none of those are. That's it.
- 7 CHAIR CLOKE: Thank you, Miss Thompson.
- 8 MS. THOMPSON: Yeah.
- 9 CHAIR CLOKE: Okay. That closes the public
- 10 hearing on this matter. The next time that we're --
- 11 that this Board meets to deliberate on this matter,
- 12 that will be -- the matter will be before the Board
- 13 for deliberation. There will not be another public
- 14 hearing on this matter.
- 15 I'm going to give you a moment to
- 16 clear the room. We're going to hear Item Number 16,
- 17 which I think will be a five-minute item. And then
- 18 that will be the end of our meeting.
- 19 MR. EDWARDS: Miss Cloke?
- 20 CHAIR CLOKE: Yes, Mr. Edwards?
- 21 MR. EDWARDS: I'm sorry.
- 22 CHAIR CLOKE: Yes. I can hear you.
- 23 MR. EDWARDS: Okay. Did you just continue
- 24 this item to another day or to a meeting? Or are you
- 25 going to hear us tonight?

- 1 CHAIR CLOKE: We cannot hear you tonight.
- 2 They have turned off the AC. And they're asking us
- 3 to leave the building. We cannot hear you tonight.
- 4 MR. EDWARDS: Okay. Thank you.
- 5 CHAIR CLOKE: I'm very sorry. We fully
- 6 intended to stay until it was done.
- 7 MR. FUNK: If I could, just one second. I'm
- 8 sorry. I'm Chris Funk.
- 9 CHAIR CLOKE: Identify yourself. Thank you.
- 10 MR. FUNK: Yes. Chris Funk, on behalf of
- 11 Browning-Ferris Industries. It's my understanding --
- 12 thank you.
- 13 It's my understanding that the
- 14 building can stay open. And we would like to have
- 15 the matter completed today. So I'm a little --
- 16 there's a little bit of a disconnect here between
- 17 what we're hearing and what is being said as far as
- 18 the need to continue the matter.
- 19 CHAIR CLOKE: What we were told, Mr. Funk, is
- 20 that the person who would have to stay, if we stayed,
- 21 is a person who would, then, have to leave their
- 22 child with no child care. That's not a -- and that
- 23 was what I was told.
- 24 And I also have a Board Member who
- 25 needs to leave very shortly. But, as everybody in

- 1 the room can tell, the air-conditioning has been
- 2 turned off. There's no air in this room.
- 3 MS. BUCKNER-LEVY: -- oxygen.
- 4 CHAIR CLOKE: I mean we fully intended to go
- 5 ahead. This is not -- this is a -- we also didn't
- 6 know this hearing was going to take this many hours.
- 7 So if you can go ahead and clear the room, anybody
- 8 who wants to, so that we can just have a five-minute
- 9 item that we want to take right now.
- 10 Mr. Dial and Mr. "Hough" (phonetic),
- 11 are you still here?
- 12 UNIDENTIFIED SPEAKER: Yes, ma'am.
- 13 CHAIR CLOKE: Thank you so much. We had no
- 14 idea this was going to happen.
- 15 Miss "Renaid" (phonetic), are you
- 16 still here?
- 17 Why doesn't everybody come on up to
- 18 the podium? Can all of you come on up to the podium,
- 19 please?
- 20 What could we do? There's no
- 21 air-conditioning. There's no air. The woman is
- 22 crying. What could we do?
- Is Miss "Renaid" still here?
- 24 UNIDENTIFIED SPEAKER: Yes.
- 25 CHAIR CLOKE: Okay. We -- as you can see,

1	STATE OF CALIFORNIA)) ss.
2	COUNTY OF LOS ANGELES)
3	
4	I, NEALY KENDRICK, CSR No. 11265, do hereby
5	certify:
6	That the foregoing partial transcript of
7	proceedings was taken before me at the time and place
8	therein set forth and thereafter transcribed by
9	computer under my direction and supervision, and I
10	hereby certify that, to the best of my ability, the
11	foregoing partial transcript of proceedings is a
12	full, true, and correct transcript of that portion of
13	the proceedings transcribed.
14	I further certify that I am neither counsel
15	for nor related to any party to said actions nor in
16	anywise interested in the outcomes thereof.
17	IN WITNESS WHEREOF, I have hereunto subscribed
18	my name this 18th day of November, 2003.
19	
20	NEALY KENDRICK, CSR NO. 11265
21	NEADI RENDRICK, COR NO. 11205
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